

**STATE OF INDIANA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**PUBLIC NOTICE NO: 20260619- IN0002259- D**  
**DATE OF NOTICE: June 19, 2026**  
**DATE RESPONSE DUE: July 20, 2026**

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

**MAJOR – MODIFICATION:**

**SIGECO - F.B. CULLEY GENERATING STATION**, Permit No. IN0002259, WARRICK COUNTY, 3711 Darlington Road, Newburgh, IN. The facility is a coal-fired steam electric generating plant. The permittee is requesting modification to the permit due to changes to the selected compliance approach to the Best Technology Available (BTA) requirements for impingement and entrainment pursuant to Section 316(b) of the Clean Water Act. Permit Manager: Heidi Etter, 317/233-4903, [hetter@idem.in.gov](mailto:hetter@idem.in.gov). Posted online at <https://www.in.gov/idem/public-notices/>.

**PROCEDURES TO FILE A RESPONSE**

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

**Comments:** The proposed decision to issue a permit is tentative. Interested persons are invited to submit written comments on the draft permit. All comments must be delivered to IDEM or postmarked no later than the Response Due Date noted to be considered in the decision to issue a final permit. Deliver or mail all requests or comments to the attention of the Permit Manager at the above address.

**To Request a Public Hearing:** Any person may request a public hearing. A written request must be submitted to the above address on or before the Response Due Date. The written request shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the hearing. The Department will determine whether to hold a public hearing based upon the comments and rationale for the request. Public Notice of such a hearing will be posted on IDEM's web site and will be transmitted to those persons submitting comments and/or on the mailing list at least 30 days prior to the hearing.



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

Mike Braun  
Governor

Clint Woods  
Commissioner

June 19, 2026

VIA ELECTRONIC MAIL

Mr. Shane Bradford, Vice-President  
CenterPoint Energy  
P.O. Box 209  
Evansville, IN 47702

Dear Mr. Bradford:

Re: NPDES Permit No. IN0002259  
Draft Permit Modification  
SIGECO F.B. Culley Generating Station  
Newburgh, IN – Warrick County

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

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

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

Questions concerning this draft permit modification may be addressed to Heidi Etter at 317-233-4903 or [hetter@idem.in.gov](mailto:hetter@idem.in.gov).

Sincerely,

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

Enclosures

cc: Chief, Permits Section, U.S. EPA, Region 5  
Angela Casbon-Scheller, CenterPoint Energy  
Jeremy Ferguson, IDEM Inspector  
Stacey Cochran, ORSANCO



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

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

SOUTHERN INDIANA GAS AND ELECTRIC COMPANY (SIGECO)

is authorized to discharge from the F.B. Culley Generating Station, a coal-fired electric generating plant, that is located at 3711 Darlington Road, Newburgh, Indiana to receiving waters identified as the Ohio River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

The permit, as issued on March 1, 2023, and subsequently modified on July 6, 2023, August 30, 2023, and May 3, 2024 is hereby amended, as contained herein. The amended provisions shall become effective \_\_\_\_\_. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the amendments will remain in effect until the amended provisions become effective. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

This permit and the authorization to discharge, as amended, shall expire at midnight February 29, 2028. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Issued on \_\_\_\_\_ for the Indiana Department  
of Environmental Management.

Jerry Dittmer, Chief  
Permits Branch  
Office of Water Quality

$$TMR = TU + \frac{QE * (TE - TU)}{0.5 * (Q_{7,10} - QI) + QE}$$

where:

TMR = mixed river temperature (°F)  
TU = upstream river temperature (°F)  
TE = effluent temperature (°F)  
QE = effluent flow (MGD)  
QI = intake flow (MGD)  
Q<sub>7,10</sub> = 5,920 MGD

- [11] Temperature shall be monitored and measurements recorded every hour. The highest single recorded measurement for each day shall be reported on the state monthly monitoring report for each day. The highest single recorded daily measurement shall be reported on the federal discharge monitoring report as the maximum daily temperature for that month. The monthly average shall be reported on the state monthly monitoring and the federal discharge monitoring report as the average of all measured values for the calendar month.
- [12] The permittee shall post a permanent marker on the stream bank at each outfall discharging directly to the Ohio River. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the permit number, and the outfall number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above the ground.
- [13] The Stormwater Monitoring and Non-Numeric Effluent Limits and the Stormwater Pollution Prevention Plan (SWPPP) requirements can be found in Part I.D. and I.E. of this permit.
- [14] Continuous chlorination is considered as all occurrences that do not meet the definition of intermittent chlorination, as described in 327 IAC 2-1-6 Table 1, Footnote [a]. These water quality based effluent limits (WQBELs) are applicable any time that the discharge of chlorine does not meet this intermittent definition.
- [15] This daily maximum limit for total residual chlorine is only applicable if the discharge of chlorine is intermittent. As required by 327 IAC 2-1-6 Table 1, Footnote [a], to be considered an intermittent discharge, total residual chlorine shall not be detected in the discharge for a period of more than forty (40) minutes in duration, and such periods shall be separated by at least five (5) hours. Simultaneous multi-unit chlorination is permitted.
- [16] Within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order, or any extension thereto, but no later than April 30, 2029, there shall be no discharge of bottom ash transport water from Unit 2. The discharge of bottom ash transport water from Unit 3 was prohibited as of December 31, 2020.

- [3] Fly ash and FGD wastewater are prohibited from being discharged.

Bottom ash transport water from Unit 3 is prohibited from being discharged.

Within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order, or any extension thereto, but no later than April 30, 2029, bottom ash transport water from Unit 2 will be prohibited from being discharged

- [4] Monitoring at Internal Outfall 101 is only required when the outfall is discharging to the discharge tunnel which leads to Outfall 001.

- [5] Footnote removed (July 2023 permit modification).

- [6] The TSS and O&G limits must be reevaluated during the next permit renewal. If the permittee wants TSS and/or O&G allocations for unregulated wastestreams, the following must be submitted with the next permit renewal application:

- (a) Average flow rates for each regulated, unregulated and dilution wastestream before combining with a wastestream of a different category (regulated, unregulated and dilution),
- (b) Beginning at least 24 months prior to the next permit renewal application due date, collect analytical data at least 1 x Month for the parameter contributed by each unregulated wastestream prior to combining with a wastestream of a different category for which the permittee wants an allocation, and
- (c) Analytical data for the parameter for each wastestream which discharges directly to the Contact Stormwater Pond shall be collected prior to entering the Contact Stormwater Pond. The permittee should submit a sampling plan to IDEM for review and approval prior to initiating the monitoring described above.

2. for any of the causes listed under 327 IAC 5-2-16.
3. to include a case-specific Limit of Detection (LOD) and/or Limit of Quantitation (LOQ). The permittee must demonstrate that such action is warranted in accordance with the procedures specified under Appendix B, 40 CFR Part 136, using the most sensitive analytical methods approved by EPA under 40 CFR Part 136, or approved by the Commissioner.
4. to comply with any applicable standards, regulations and requirements issued or approved under section 316(b) of the Clean Water Act. This includes but is not limited to any revisions needed to reflect a change in the selected impingement mortality BTA and modification to include verifiable and enforceable permit conditions that ensure the BTA technology installed at the intake will perform as demonstrated.
5. to specify the use of a different analytical method if a more sensitive analytical method has been specified in or approved under 40 CFR 136 or approved by the Commissioner to monitor for the presence and amount in the effluent of the pollutant for which the WQBEL is established. The permit shall specify the LOD and LOQ that can be achieved by use of the specified analytical method.
6. to incorporate a requirement that the permittee develop and implement a Fresh Water Mussel Augmentation Plan consistent with the U.S. Fish and Wildlife Service (USFWS) Recommendations under Section 6.3.5. and Appendix B of the Fact Sheet if, required by Part III.B.7 of this permit, the permittee does not contribute an additional sum, as calculated by USFWS, within six months of the date that this amount has been provided to the permittee, after implementation of the Project if additional work is needed to meet the Project's success criteria (the additional sum shall be no more than 25% of the permittee's original allocated share). If the permit is modified to require an individual project after the permittee has submitted its original allocated share, any funds submitted by the permittee will be refunded without interest on or after the date the permit modification is effective.

If the permittee is required to develop and implement a freshwater mussel augmentation project, it would include, at a minimum, the following components: Administrative and Permitting, Brood Stock Acquisition, Propagation effort, Quantitative Processing (tagging), Release Site Reconnaissance Habitat Assessment, and Monitoring augmentation site(s). Each step should be well documented and the documentation available to the public at the appropriate point. More specifically, these components would include the following:

*Administrative and Permitting*

There will be planning, permitting, coordination with Indiana biologists, federal agency biologists, and also hatchery propagation specialists.

*Brood Stock Acquisition*

Brood stock acquisition is a necessary step in the augmentation process. This can be accomplished in various ways, but the key is coordination with Indiana biologists, federal agency biologists, and also hatchery propagation specialists. Networking within this growing community of practice will be key to accomplishing this task.

*Propagation*

Propagation in a laboratory / hatchery should be done by experienced qualified facilities that have routinely worked with rare mussels. A suitable grow out period of likely 3 plus years is expected. They have to be of a sufficient size in order to be tagged. This also gives them a greater chance of living to reproductive maturity.

*Quantitative Processing*

After a sufficient period of growing out juvenile mussels, an effort to tag mussels so that they can be monitored is important. This involves using adhesives and pit tags and the acquisition of the equipment needed to detect pit tags.

*Release Site Reconnaissance Habitat Assessment*

Some reconnaissance and habitat assessment should be undertaken in the planning phase of this project so that returning grown out, pit tagged Sheepsnose to the Ohio River environs can be optimized for success.

*Monitoring Augmentation Sites*

Monitoring mussel augmentation sites should take place a year after and two years after mussels have been placed in the Ohio River environs. As previously mentioned, these monitoring efforts should be well documented to allow the U.S. Fish and Wildlife Service to evaluate the success of augmentation of sheepsnose mussels as a measure to minimize take associated with the permittee's facility on the Ohio River.

H. COOLING WATER INTAKE STRUCTURE SCHEDULE OF COMPLIANCE:

The below schedule of compliance is for the installation of the selected BTA for both impingement and entrainment at Intake 3.

The permittee shall install modified traveling screens with a fish handling and return system at Intake 3 as soon as reasonably possible but no later than three (3) years from the effective date of the permit modification in accordance with the following schedule:

1. As soon as practicable but no later than twelve (12) months after the effective date of the permit modification submit to the Industrial NPDES Permits Section of Office of Water Quality (OWQ) for review a conceptual design and plan for the modified traveling screens with a fish handling and return system.
2. As soon as practicable, but no later than eighteen (18) months after the effective date of the permit modification, complete detailed design of the modified traveling screens, including the modified traveling screens with a fish handling and return system.
3. As soon as practicable but no later than twenty-four (24) months after the effective date of the permit modification, initiate construction of the modified traveling screens with a fish handling and return system.
4. As soon as practicable, but no later than thirty-six (36) months after the effective date of the permit modification, complete construction of the modified traveling screens with a fish handling and return system.
5. Within thirty (30) days of completion of construction, the permittee shall file with the Industrial NPDES Permits Section of Office of Water Quality (OWQ) at [OWQWWPER@idem.in.gov](mailto:OWQWWPER@idem.in.gov) a notice of installation for the modified traveling screen and a design summary of any modifications.
6. The permittee shall submit a written progress report to the Compliance Data Section of the OWQ at [wwReports@idem.in.gov](mailto:wwReports@idem.in.gov) three (3) months from the effective date of this permit modification and every six (6) months thereafter until the requirements in the compliance schedule outlined above have been achieved. The progress reports shall include relevant information related to steps the permittee has taken to meet the requirements in the compliance schedule and whether the permittee is meeting the dates in the compliance schedule.

7. 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 OWQ at [wwReports@idem.in.gov](mailto:wwReports@idem.in.gov) stating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance.

PART III  
Cooling Water Intake Structures

A. Best Technology Available (BTA) Determination

Section 316(b) of the Clean Water Act requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impact.

The EPA promulgated a CWA section 316(b) regulation on August 15, 2014, which became effective on October 14, 2014. 79 Fed. Reg. 48300-439 (August 15, 2014). This regulation established application requirements and standards for cooling water intake structures. The regulation is applicable to point sources with a cumulative design intake flow (DIF) greater than 2 MGD where 25% or more of the water withdrawn (using the actual intake flow (AIF)) is used exclusively for cooling purposes. All existing facilities subject to these regulations must submit the information required by 40 CFR 122.21(r)(2)-(r)(8) and facilities with an actual intake flow of greater than 125 MGD must also submit the information required by 40 CFR 122.21(r)(9)-(r)(13). The regulation establishes best technology available standards to reduce impingement and entrainment of aquatic organisms at existing power generation and manufacturing facilities.

Based on available information, IDEM has made best technology available (BTA) impingement and entrainment determinations for this facility.

1. For Intake 1, IDEM has determined that the existing cooling water intake system is BTA for impingement mortality.
2. For Intake 2, IDEM has determined that, based on the information provided, the BTA for impingement mortality is the closure of coal-fired Unit 2. The permittee will comply with BTA for impingement mortality when coal-fired Unit 2 closes within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order and any extension thereto.
3. For Intake 3, IDEM has determined that, based on the information provided, modified traveling screens with a fish handling and return system in compliance with 40 CFR 125.94(c)(5) are the impingement mortality BTA for the facility.

For entrainment mortality, after considering all the factors that must and may be considered by the federal rules, IDEM has determined that the existing facility (after installation of the above impingement BTA at Intake 3) meets the BTA for entrainment mortality.

These determinations will be reassessed at the next permit reissuance to ensure that the cooling water intake structures continue to meet the requirements of Section 316(b) of the federal Clean Water Act.

## B. Permit Requirements

The permittee must comply with the following cooling water intake structure requirements:

1. In accordance with 40 CFR 125.98(b)(1), nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.
2. The permittee must at all times properly operate and maintain the cooling water intake structure and associated intake equipment.
3. The permittee must inform IDEM of any proposed changes to the CWIS or proposed changes to operations at the facility that affect the information taken into account in the current BTA evaluation.
4. Any discharge of intake screen backwash must meet the Minimum Narrative Limitations contained in Part I.B of the permit. There must be no discharge of debris from intake screen washing which will settle to form objectionable deposits which are in amounts sufficient to be unsightly or deleterious, or which will produce colors or odors constituting a nuisance.
5. The permittee must monitor the intake flow at each intake; Intake 1, Intake 2, and Intake 3, at a minimum frequency of daily. The monitoring must be representative of normal operating conditions. These data must be reported on the DMRs and MMRs. Further, the permittee shall submit an annual summary of intake flows monitored at a minimum frequency of daily by January 31 of each year.
6. The permittee must either conduct visual inspections or employ remote monitoring devices during the period the cooling water intake structure is in operation as required by 40 CFR 125.96(e). The permittee must conduct such inspections at least weekly to ensure that any technologies operated to comply with 40 CFR 125.94 are maintained and operated to function as designed including those installed to protect Federally-listed threatened or endangered species or designated critical habitat. Alternative procedures can be approved if this requirement is not feasible (e.g., an offshore intake, velocity cap, or during periods of inclement weather).
7. If necessary, the permittee shall contribute an additional sum to the Indiana Freshwater Mussel Augmentation Plan project (the Project), as calculated by the U.S. Fish and Wildlife Service, not to exceed \$18,750, within six months of receiving written notice of the requirement for the additional contribution. This will be determined after implementation of the Project and if additional work is needed to meet the Project's success criteria. The permittee shall submit annual reports to IDEM by January 31 of each year detailing the payment(s) made to the Project in the preceding year.

8. In accordance with 40 CFR 125.97(c), by January 31 of each year, the permittee must submit to the Industrial NPDES Permit Section IDEM-OWQ an annual certification statement for the preceding calendar year signed by the responsible corporate officer as defined in 40 CFR 122.22 (see 327 IAC 5-2-22) subject to the following:
  - a. If the information contained in the previous year's annual certification is still pertinent, you may simply state as such in a letter to IDEM and the letter, along with any applicable data submission requirements specified in this section shall constitute the annual certification.
  - b. If you have substantially modified operation of any unit at your facility that impacts cooling water withdrawals or operation of your cooling water intake structures, you must provide a summary of those changes in the report. In addition, you must submit revisions to the information required at 40 CFR 122.21(r) in your next permit application.
9. Best technology available (BTA) determinations for entrainment mortality and impingement mortality at cooling water intake structures will be made in each permit reissuance in accordance with 40 CFR 125.90-98. The permittee must submit all the information required by the applicable provisions of 40 CFR 122.21(r)(2) through (r)(13) with the next renewal application. Since the permittee has submitted the studies required by 40 CFR 122.21(r), the permittee may, in subsequent renewal applications pursuant to 40 CFR 125.95(c), request to reduce the information required if conditions at the facility and in the waterbody remain substantially unchanged since the previous application so long as the relevant previously submitted information remains representative of the current source water, intake structure, cooling water system, and operating conditions. Any habitat designated as critical or species listed as threatened or endangered after issuance of the current permit whose range of habitat or designated critical habitat includes waters where a facility intake is located constitutes potential for a substantial change that must be addressed by the owner/operator in subsequent permit applications, unless the facility received an exemption pursuant to 16 U.S.C. 1536(o) or a permit pursuant to 16 U.S.C. 1539(a) or there is no reasonable expectation of take. The permittee must submit the request for reduced cooling water intake structure and waterbody application information at least **two years and six months** prior to the expiration of the NPDES permit. The request must identify each element in this subsection that it determines has not substantially changed since the previous permit application and the basis for the determination. IDEM has the discretion to accept or reject any part of the request.
10. The permittee shall submit and maintain all the information required by the applicable provisions of 40 CFR 125.97.

11. All required reports must be submitted to the IDEM, Office of Water Quality, NPDES Permits Branch, Industrial NPDES Permit Section at [OWQWWPER@idem.in.gov](mailto:OWQWWPER@idem.in.gov) and the Compliance Branch at [wwReports@idem.in.gov](mailto:wwReports@idem.in.gov).
12. As soon as practicable, but no later than twenty-four (24) months after the effective date of the permit modification, the permittee must submit to IDEM for review and approval a study plan including schedule for obtaining information required by the impingement technology optimization study required by 40 CFR 125.94(c)(5) and 40 CFR 122.21(r)(6)(i). After modified traveling screens with a fish handling and return system has been completed, the permittee must conduct the approved impingement technology optimization study at this intake. The study plan must be able to demonstrate that the technology is or will be optimized to minimize impingement mortality of all non-fragile species.



**National Pollutant Discharge Elimination System  
Briefing Memo for  
SIGECO F.B. Culley Generating Station  
Draft modification: June 2026  
Final modification: TBD**

**Indiana Department of Environmental Management**

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

|                                     |                                                                                                                                                                                               |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Permittee:</b>                   | Southern Indiana Gas and Electric Company (SIGECO)<br>d/b/a CenterPoint Energy Indiana South (CEIS)<br>P.O. Box 209<br>Evansville, IN 47702                                                   |
| <b>Existing Permit Information:</b> | Permit Number: IN0002259<br>Expiration Date:                                                                                                                                                  |
| <b>Facility Contact:</b>            | Angela Casbon-Scheller, Manager, Environmental Operations<br>(812) 491-4787<br><a href="mailto:Angela.Casbon-Scheller@centerpointenergy.com">Angela.Casbon-Scheller@centerpointenergy.com</a> |
| <b>Facility Location:</b>           | F.B. Culley Generating Station<br>3711 Darlington Road<br>Newburgh, IN 47630<br>Warrick County                                                                                                |
| <b>Receiving Stream:</b>            | Ohio River                                                                                                                                                                                    |
| <b>GLI/Non-GLI:</b>                 | Non-GLI                                                                                                                                                                                       |
| <b>Proposed Permit Action:</b>      | Modify                                                                                                                                                                                        |
| <b>Date Application Received:</b>   | July 8, 2025                                                                                                                                                                                  |
| <b>Source Category</b>              | NPDES Major – Industrial                                                                                                                                                                      |
| <b>Permit Writer:</b>               | Heidi Etter<br>317-233-4903   <a href="mailto:hetter@idem.in.gov">hetter@idem.in.gov</a>                                                                                                      |

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## 1.0 INTRODUCTION

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The Indiana Department of Environmental Management (IDEM) received a request from SIGECO on July 8, 2025 to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0002259. The current five year permit was issued with an effective date of March 1, 2023 in accordance with 327 IAC 5-2-6(a). The permit was subsequently modified on July 6, 2023, August 30, 2023, and May 3, 2024.

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

In accordance with Title 40 of the Code of Federal Regulations (CFR) Sections 124.8 and 124.56, as well as Title 327 of the Indiana Administrative Code (IAC) Article 5-3-8, a Fact Sheet is required for certain NPDES permits. This document fulfills the requirements established in these regulations. This Fact Sheet was prepared in order to document the factors considered in the development of NPDES Permit effluent limitations. The technical basis for the Fact Sheet may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, Indiana water quality standards-based wasteload allocations, and other information available to IDEM. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Fact Sheet where necessary. This Fact Sheet also identifies the modified pages of the permit as issued on February 1, 2023, and modified on July 6, 2023, August 30, 2023, and May 3, 2024.

## 2.0 FACILITY DESCRIPTION

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### 2.1 General

SIGECO F.B. Culley Generating Station is classified under Standard Industrial Classification (SIC) Code 4911 - Electric Services.

The facility is a coal-fired steam electric generating plant with two (2) generating units, which are 100 MW (Unit 2) and 270 MW (Unit 3). The permittee proposed to retire Unit 2 by the end of 2025. However, F.B. Culley Unit 2 received a 202(c) order from the U.S. Department of Energy on December 23, 2025, to maintain availability of the unit through March 23, 2026. This order was renewed on March 23, 2026, and is expected to be renewed for the foreseeable future.

The Ohio River accounts for approximately 99% of the facility's intake water with groundwater accounting for the remainder. The design intake volume is 360 MGD and the design discharge volume is 360 MGD. The average daily intake for 2020 was 160 MGD and average discharge volume was 161.8 MGD.

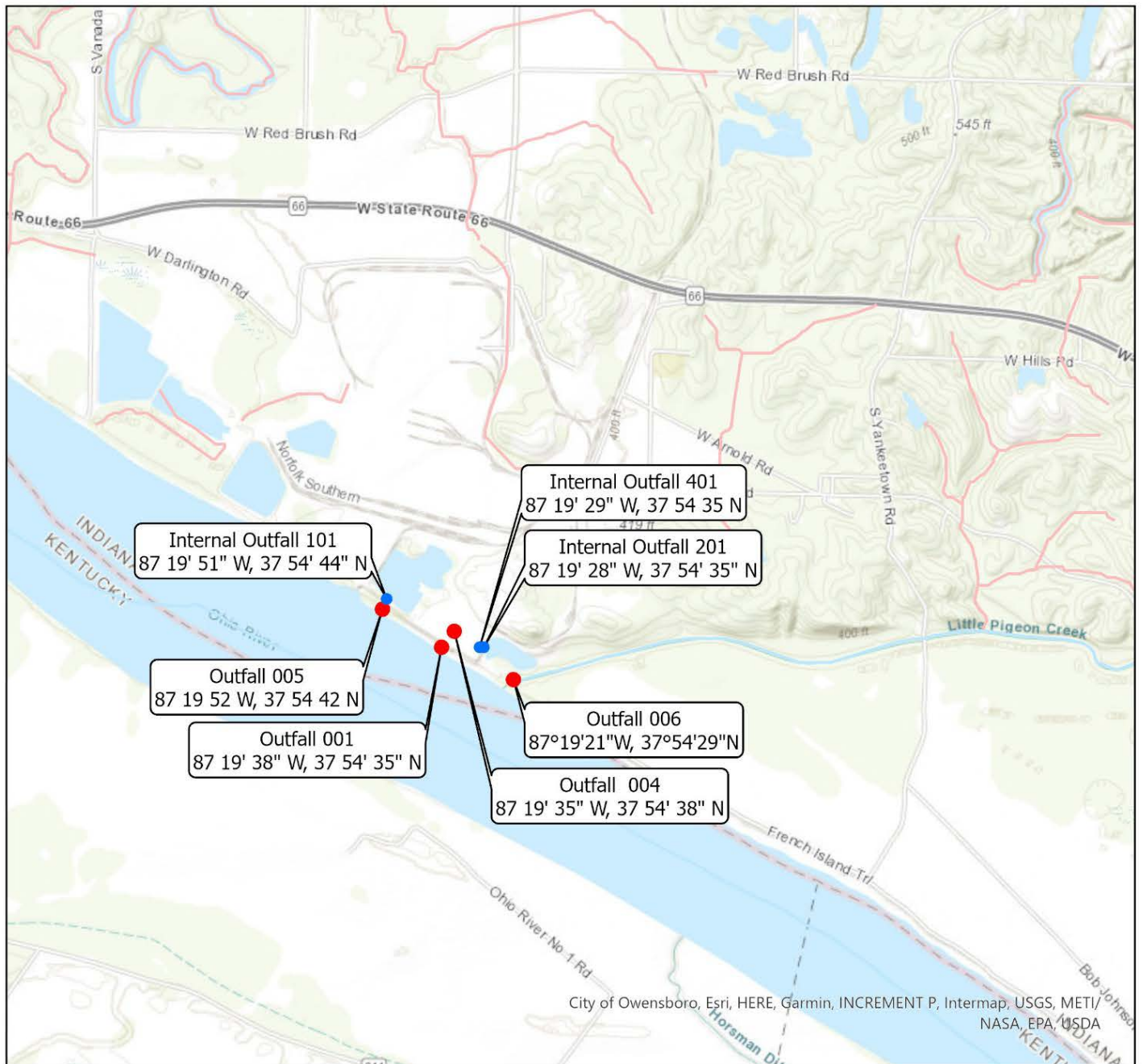
Maps showing the location of the facility and outfalls have been included as Figure 1 & Figure 2.

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



3711 Darlington Road  
Newburgh, IN 47630  
Warrick County

Figure 2 - Facility Outfalls

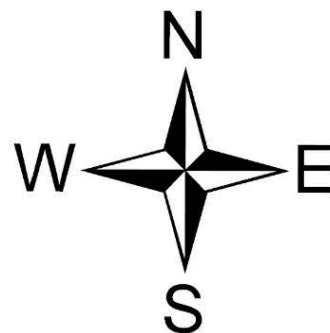


0 0.25 0.5 1 Miles

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

Matt Warrener, Office of Water Quality Date: 9/30/2025

Sources:  
 Non Orthophotography Data - Obtained from the State of Indiana Geographical Information Office Library  
 Orthography - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
 Map Projection: UTM Zone 16 N Map Datum: NAD83



## 2.2 Outfall Locations

|             |                                                  |
|-------------|--------------------------------------------------|
| Outfall 001 | Latitude: 37° 54' 35"<br>Longitude: -87° 19' 38" |
| Outfall 101 | Latitude: 37° 54' 44"<br>Longitude: -87° 19' 51" |
| Outfall 201 | Latitude: 37° 54' 35"<br>Longitude: -87° 19' 28" |
| Outfall 401 | Latitude: 37° 54' 35"<br>Longitude: -87° 19' 29" |
| Outfall 004 | Latitude: 37° 54' 38"<br>Longitude: -87° 19' 35" |
| Outfall 005 | Latitude: 37° 54' 42"<br>Longitude: -87° 19' 52" |
| Outfall 006 | Latitude: 37° 54' 29"<br>Longitude: -87° 19' 21" |
| Outfall 000 | Administrative Outfall                           |

In order to comply with Office policy on rounding, the GPS coordinates for the outfalls have been changed to round the 'seconds' portion of the measurement to the nearest whole number. However, the physical location of the outfall has not changed.

## 3.0 PERMIT MODIFICATION

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### 3.1 Modification Request

The current five-year permit was issued with an effective date of March 1, 2023, and subsequently modified on July 6, 2023, August 30, 2023, and May 3, 2024.

On August 30, 2024, SIGECO submitted to IDEM the results of its 316(b) intake study, *Cylindrical Wedgewire Screen Feasibility Study at the F.B. Culley Generating Station*, in accordance with Part I.H. of the 2023 permit. The intake study concluded that the installation of *1.0 mm cylindrical wedgewire screens* is not feasible due to a lack of available space at the site location, river debris patterns, biofouling and sediment loading issues, river hydrodynamics near the intake, and because cylindrical wedgewire screens with the proposed dimensions have not been installed at any industrial site which withdraws from the Ohio River. IDEM issued a response letter on December 23, 2024 which acknowledged the results of the intake study and requested that the permittee submit a permit modification request to request an alternate BTA determination for impingement and entrainment for Intakes 2 and 3. The permittee submitted a permit modification request on July 17, 2025.

The permittee proposed to meet BTA for impingement at Intake 3 by installing 3/8-inch modified traveling screens with a fish return and requested an updated schedule of compliance for installation of this BTA as well. At Intake 2, the permittee proposed to retire Unit 2 in order to meet BTA for impingement. Initially, the permittee planned to close coal-fired Unit 2 by December 31, 2025. However, the facility received a U.S. Department of Energy 202(c) order on December 23, 2025, requiring the facility to maintain availability of Unit 2 through March 23, 2026. On March 23, 2026, this order was extended for another 90 days.

Due to the requirement to keep Unit 2 available, the permittee has proposed to change the BTA for Intake 2 to reference closure of Unit 2 within 72 hours of expiration of the current U.S. Department of Energy 202(c) order and any extension thereto.

For BTA for entrainment, the permittee provided the following information for consideration:

- The facility is committed to retiring Unit 2 after the 202(c) order expires and is no longer renewed.
- The average actual intake flow (AIF) from 2017-2021 at Intake 3 has been 155.7 MGD which has resulted in entrainment reductions of 49.7 percent as compared to the Unit 3 design intake flow (DIF). Assuming Unit 2 retirement and that Unit 3 will have a similar AIF, an approximate 62 percent reduction in entrainment as compared to the DIF will occur.
- The Comprehensive Technical Feasibility and Cost Evaluation Study required at 40 CFR 122.21(r)(10) demonstrated that certain entrainment reduction technologies were either infeasible or had social costs that do not justify the benefits.
- Entrainment impacts on the Ohio River are unquestionably low and should be considered by IDEM in their entrainment BTA determination (per 40 CFR 125.98(f)(3)(i)). The estimated entrainment of organisms in 2015 represented approximately 0.2 percent of the river drift and the estimated entrainment of organisms in 2016 represented approximately 0.3 percent of the river drift.
- SIGECO contributed \$75,000 to the Freshwater Mussel Augmentation Program to minimize indirect take of mussels from the entrainment and impingement of potential mussel host fish species.

In addition to the impact of the 202(c) order on the BTA determination for Intake 2, the 202(c) order has also resulted in the continued discharge of bottom ash transport water from Unit 2.

Footnote [16] in Part I.A.1 of the Permit states “Beginning December 31, 2025, there shall be no discharge of bottom ash transport water from Unit 2” and Footnote [3] in Part I.A.2 of the Permits states “Beginning December 31, 2025, bottom ash transport water from Unit 2 will be prohibited from being discharged” in alignment with the original closure plans for Unit 2. The 202(c) order required the unit to operate past this December 31, 2025 date, therefore, the permittee requested changes to these footnotes to address the continued discharge of bottom ash transport water from Unit 2 beyond December 31, 2025.

### 3.2 IDEM's Proposed Modification

To address the discharge of bottom ash transport water beyond December 31, 2025, due to the 202(c) order requiring Unit 2 to remain available, IDEM has applied the requirements of 40 CFR 423.13(k)(2)(ii) to the discharge of bottom ash transport water from Unit 2.

The permittee submitted a Notice of Planned Participation (NOPP) in accordance with 40 CFR 423.19(g) on June 27, 2023. This NOPP states that the permittee plans to achieve permanent cessation of coal combustion at Unit 2 no later than December 31, 2028. Therefore, they are eligible to continue discharging bottom ash transport water from Unit 2 subject to the limitations and requirements at 40 CFR 423.13(k)(2)(ii) until April 30, 2029 if Unit 2 permanently ceases coal combustion by December 31, 2028 or until December 31, 2028 if Unit 2 fails to permanently cease coal combustion by December 31, 2028.

The changes made to the permit to address the continued discharge of bottom ash transport water from Unit 2 beyond December 31, 2025 are the following:

#### **Part I.A.1, Footnote [16]**

Page 6 of the Permit has been updated to reflect the facility's intention to cease the discharge of bottom ash transport water from Unit 2 within 72 hours of the expiration of the 202(c) as well as the requirement at 40 CFR 423.13(k)(2)(ii) for there to be no discharge of pollutants in bottom ash transport water after April 30, 2029 for units that have permanently ceased coal combustion by December 31, 2028.

*"[16] Within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order, or any extension thereto, but no later than April 30, 2029, there shall be no discharge of bottom ash transport water from Unit 2. The discharge of bottom ash transport water from Unit 3 was prohibited as of December 31, 2020."*

#### **Part I.A.2, Footnote [3]**

Page 10 of the Permit has been updated to reflect the facility's intention to cease the discharge of bottom ash transport water from Unit 2 within 72 hours of the expiration of the 202(c) as well as the requirement at 40 CFR 423.13(k)(2)(ii) for there to be no discharge of pollutants in bottom ash transport water after April 30, 2029 for units that have permanently ceased coal combustion by December 31, 2028.

*"[3] Fly ash and FGD wastewater are prohibited from being discharged.*

*Bottom ash transport water from Unit 3 is prohibited from being discharged.*

*Within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order, or any extension thereto, but no later than April 30, 2029, bottom ash transport water from Unit 2 will be prohibited from being discharged."*

To accommodate the results of the 2024 Cylindrical Wedgewire Screen Feasibility Study, IDEM has updated the BTA determination for Intake 2 and 3 from *1.0 mm cylindrical wedgewire screens to closure of Unit 2 within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order and any extension thereto* for Intake 2 and *modified traveling screens with a fish handling and return system* for Intake 3. Additionally, considering the information provided by the permittee and all the factors that must and may be considered by the federal rules, IDEM has determined that the existing facility (after installation of modified traveling screens with a fish handling and return system at Intake 3) meets BTA for entrainment mortality.

As authorized by 327 IAC 5-2-12, IDEM has included a renewed 3-year schedule of compliance in the NPDES permit modification to allow the permittee time to comply with the requirement to install the modified traveling screens and fish return at Intake 3.

The permit will also require the permittee to conduct an impingement technology performance optimization study after the modified traveling screens with a fish handling and return system have been installed as required by 40 CFR 125.94(c)(5) in accordance with the specific requirements for such a study detailed under 40 CFR 122.21(r)(6)(i).

The following sections of the permit have been modified to reflect the above changes:

#### **Part I.G.4., Reopening Clauses**

Page 57 of the Permit has been updated to include updated language for Part I.G.4., which now references impingement BTA and verifiable and enforceable permit conditions to ensure the BTA technology installed at the intake will perform as demonstrated. The language will now state:

*“to comply with any applicable standards, regulations and requirements issued or approved under section 316(b) of the Clean Water Act. This includes but is not limited to any revisions needed to reflect a change in the selected impingement mortality BTA and modification to include verifiable and enforceable permit conditions that ensure the BTA technology installed at the intake will perform as demonstrated.”*

#### **Part I.G.6., Reopening Clauses**

Part I.G.6 on Page 57 of the Permit has been updated to remove the following conditions that are no longer relevant:

*“(1) the permittee does not contribute \$75,000 (permittee’s original allocated share) to the Indiana Freshwater Mussel Augmentation Plan project (the Project), within six months of the effective date of the permit as required by Part III.B.8 of this permit;”*

and,

*“(3) if IDEM does not receive sufficient funds for the group Project by December 1, 2024.”*

#### **Part I.G.7., Reopening Clauses**

Part I.G.7 on Page 58 of the Permit has been removed because it includes references to wedgewire screens, which are no longer the selected BTA.

### **Part I.G.8., Reopening Clauses**

Part I.G.8. on Page 58 has been removed because the permittee is in compliance with BTA for impingement and entrainment at Intake 1.

### **Part I.H., Cooling Water Intake Structure Schedule of Compliance**

Pages 59 and 60 of the Permit have been updated to remove mentions of Intake 2 and replace references to 1.0 mm cylindrical wedgewire screens with references to modified traveling screens with a fish handling and return system for Intake 3.

### **Part III.A., Best Technology Available (BTA) Determination**

Page 76 of the Permit has been updated to replace references to 1.0 mm cylindrical wedgewire screens with references to closure of Unit 2 within 72 hours of expiration of the current U.S. Department of Energy 202(c) Order and any extension thereto for Intake 2 and references to modified traveling screens with a fish handling and return system for Intake 3.

BTA for entrainment has also been updated on Page 76 to state that, after considering all the factors that must and may be considered by the federal rules, IDEM has determined that the existing facility (after installation of modified traveling screens with a fish handling and return system at Intake 3) meets BTA for entrainment mortality.

### **Part III.B., Permit Requirements**

Pages 77-79 of the Permit have been updated to remove Part III B.5.b (evaluation of flow meter installation feasibility) and Part III.B.7 (Intake 1 information) as these requirements have already been met and renumber the subsequent permit requirements accordingly.

The following permit requirement was also added to Page 79 of the Permit:

*“12. As soon as practicable, but no later than twenty-four (24) months after the effective date of the permit modification, the permittee must submit to IDEM for review and approval a study plan including schedule for obtaining information required by the impingement technology optimization study required by 40 CFR 125.94(c)(5) and 40 CFR 122.21(r)(6)(i). After modified traveling screens with a fish handling and return system has been completed, the permittee must conduct the approved impingement technology optimization study at this intake. The study plan must be able to demonstrate that the technology is or will be optimized to minimize impingement mortality of all non-fragile species.”*

## **3.3 Antibacksliding**

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

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

None of the limits included in this permit are less stringent than the comparable effluent limitations in the previous permit, therefore, backsliding is not an issue in accordance with 327 IAC 5-2-10(a)(11) and 40 CFR 122.44(l)(1).

### **3.4 Antidegradation**

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

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

### **3.5 Spill Response and Reporting Requirement**

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.(d), Part II.B.3.(c), and Part II.C.3. of the NPDES permit. Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

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

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/public-notice/>. 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.