

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO: 20261007 – INJ064951 – D
DATE OF NOTICE: October 7, 2026
DATE RESPONSE DUE: November 6, 2026

The Office of Water Quality proposes the following DRAFT Operational Permit pursuant to 327 IAC 3-4:

OPERATIONAL – NEW:

Hoosier Energy Rural Electric Cooperative Inc., Permit No. INJ064951, SULLIVAN COUNTY, 5384 West Old Hwy 54, Sullivan, IN. The facility manages leachate from closed coal combustion residual landfills related to coal-fired steam electricity generation. The facility will discharge 0.2 MGD process wastewater and stormwater via Outfall 502, 901, 001S, 003S and 004S to a canal which discharges via Outfall 001 in NPDES Permit No. IN0050296. The outfall locations are listed in the following table:

Outfall 502	Latitude: 39° 04' 39"
	Longitude: -87° 39' 07"
Outfall 901	Latitude: 39° 03' 51"
	Longitude: -87° 30' 55"
Outfall 001S	Latitude: 39° 04' 00"
	Longitude: -87° 30' 25"
Outfall 003S	Latitude: 39° 04' 27"
	Longitude: -87° 30' 23"
Outfall 004S	Latitude: 39° 04' 39"
	Longitude: -87° 29' 58"

Permit Manager: Heidi Etter, 317/233-4903, 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 13-15-5-1. The application and draft permit documents are available for inspection at IDEM, Office of Water Quality, IGCN 12th Floor East, 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/about/citizens-guide-to-idem>.

Comments: The proposed decision to issue a permit is tentative. Interested persons are invited

to submit written comments on the draft permit. All comments must be delivered to IDEM or postmarked no later than the Response Due Date noted to be considered in the decision to issue a final permit. Deliver or mail all requests or comments to the attention of the Permit Manager at the above address.

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



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

Mike Braun
Governor

Clint Woods
Commissioner

October 7, 2026

VIA ELECTRONIC MAIL

William Kaufman, Vice President – Technical Services
Hoosier Energy Rural Electric Cooperative, Inc.
2501 S. Cooperative Way
P.O. Box 908
Bloomington, IN 47402

Dear William Kaufman:

Re: Draft Operational Permit No. INJ064951
Hoosier Energy Rural Electric Cooperative Inc.
Merom Property
Sullivan, IN – Sullivan County

Your application and supporting documents have been reviewed and processed in accordance with rules adopted under 327 IAC 3. Enclosed is draft Operational Permit No. INJ064951 which applies to the discharges associated with the closed coal combustion residual landfills.

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 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. We suggest that you meet with us to discuss major concerns or objections you may have with the draft permit.



If you have any questions concerning this proposed permit, please contact Heidi Etter
317/233-4903 or hetter@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hamblin", with a long horizontal flourish extending to the right.

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

Enclosures

cc: Sullivan County Health Department
Angie Lee, Hoosier Energy
Lon Petts, Hoosier Energy
Jessica Reiss, Barnes & Thornburg LLP
Holly Zurcher, IDEM
Andrew Dryden, IDEM
Troy Weaver, IDEM
Shyamala Raman, IDEM

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE OPERATION PERMIT PROGRAM

In accordance with IDEM's permitting authority under IC13-15, as amended (formerly IC 13-7), and 327 IAC 3-4,

HOOSIER ENERGY RURAL ELECTRIC COOPERATIVE INC.
MEROM PROPERTY

is authorized to discharge from closed coal combustion residual landfills to the discharge canal covered under NPDES Permit No. IN0050296 from a facility located at 5384 West Old Highway 54, Sullivan, Indiana in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

Effective Date: _____

Expiration Date: _____

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

Issued on _____ for the Indiana Department of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee is authorized to discharge from Outfall 502, located at Latitude 39° 04' 39", Longitude -87° 39' 07", and Outfall 901, located at Latitude 39° 03' 51", Longitude -87° 30' 55". The discharge at Outfall 502 is limited to Area 1 landfill leachate and Outfall 901 is limited to Area 2A and 2B landfill leachate. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the discharge canal covered under NPDES Permit No. IN0050296. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2] Outfall 502 and Outfall 901

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	----	----	----	1 X Weekly	Estimate
TSS	----	----	----	30	100	mg/l	1 X Monthly	Grab
Oil and Grease	----	----	----	15	20	mg/l	1 X Monthly	Grab
Boron [3]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Calcium	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Chloride	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Fluoride [4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Sulfate	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
TDS	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Antimony [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Arsenic [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Barium [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Beryllium [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Cadmium [3]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Total Chromium [3]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Hexavalent Chromium [4][5]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Cobalt [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Lead [3]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Lithium [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Mercury [3][4]	----	----	----	Report	Report	ng/l	1 X Quarterly	Grab
Molybdenum [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Selenium [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Thallium [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab
Radium 226 and 228 combined [3][4]	----	----	----	Report	Report	mg/l	1 X Monthly	Grab

- [1] See Part I.B. of the permit for the minimum narrative limitations.
- [2] In the event that a new water treatment additive is to be used that will contribute to this Outfall, or changes are to be made in the use of water treatment additives, including dosage, the permittee must apply for and receive approval from IDEM prior to such discharge. Discharges of any such additives must meet Indiana water quality standards. The permittee must apply for permission to use water treatment additives by completing and submitting State Form 50000 (Application for Approval to Use Water Treatment Additives) currently available at: <https://www.in.gov/ide/forms/ide-forms-list/>.
- [3] The permittee shall measure and report the identified metal as total recoverable metal.
- [4] The following EPA approved test methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM and EPA, if applicable.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Mercury	1631E	0.2 ng/l	0.5 ng/l
Arsenic	3113 B-2004	1 µg/l	3.2 µg/l
Arsenic	200.9, Rev. 2.2 (1994)	0.5 µg/l	1.6 µg/l
Arsenic	200.8, Rev. 5.4 (1994)	0.4 µg/l	1.3 µg/l
Selenium	200.9, Rev. 2.2 (1994)	0.6 µg/l	1.9 µg/l
Radium 226 and 228 combined	903.0	0.253 pCi/L	0.805 pCi/L
Thallium	200.8 Rev. 5.4 (1994)	0.073 µg/l	1.0 µg/l
Thallium	200.7 Rev. 4.4 (1994)	5 µg/l	10 µg/l
Molybdenum	200.8 Rev. 5.4 (1994)	0.48 µg/l	5.0 µg/l
Molybdenum	200.7 Rev. 4.4 (1994)	25 µg/l	50 µg/l
Lithium	200.7 Rev. 4.4 (1994)	4.1 µg/l	20.0 µg/l
Cobalt	200.8 Rev. 5.4 (1994)	0.086 µg/l	1.0 µg/l
Cobalt	200.7 Rev. 4.4 (1994)	5 µg/l	10 µg/l
Hexavalent Chromium	218.6 Rev. 3.3 (1994)	0.04 µg/l	0.1 µg/l
Beryllium	200.8 Rev. 5.4 (1994)	0.033 µg/l	0.20 µg/l
Barium	200.8 Rev. 5.4 (1994)	4.9 µg/l	15.6 µg/l
Barium	200.7 Rev. 4.4 (1994)	25 µg/l	50 µg/l
Antimony	200.8 Rev. 5.4 (1994)	0.13 µg/l	1.0 µg/l
Antimony	200.7 Rev. 4.4 (1994)	3 µg/l	6 µg/l
Fluoride	SM 4500F/C	0.021 mg/l	0.10 mg/l
Fluoride	300.0	0.05 mg/l	0.1 mg/l

Case-Specific LOD/LOQ

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

- [5] Hexavalent chromium shall be measured and reported as dissolved metal. The hexavalent chromium sample type shall be by grab method. The maximum holding time for a hexavalent chromium sample is 28 days under 40 CFR 136.3(e), Table II. However, as noted in footnote 20 of Table II, to achieve the 28-day holding time, the ammonium sulfate buffer solution specified in EPA Method 218.6 must be used. This holding time allowance of 28-days supersedes the preservation and holding time requirements in the approved hexavalent chromium methods, unless this supersession would compromise the measurement, in which case the preservation and holding time requirements [the sample must be analyzed within 24 hours of collection] in the method must be followed.

2. The permittee is authorized to discharge stormwater from the outfall listed below in accordance with the terms and conditions of this permit. The permittee is authorized to discharge from Outfalls 001S, 003S, and 004S. The location of each of these outfalls is listed below:

001S: Latitude 39° 04' 00", Longitude -87° 30' 25"
003S: Latitude 39° 04' 27", Longitude -87° 30' 23"
004S: Latitude 39° 04' 39", Longitude -87° 29' 58"

Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the discharge canal covered under NPDES Permit No. IN0050296. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2]

Outfall 001S, 003S, and 004S

<u>Parameter</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monitoring Requirements</u>	
			<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	MGD	1 X Yearly	Estimate Total
Total Suspended Solids	Report	mg/l	1 X Yearly	Grab
pH	Report	s.u.	1 X Quarterly [4]	Grab
Oil & Grease	Report	mg/l	1 X Yearly	Grab
COD	Report	mg/l	1 X Yearly	Grab
CBOD ₅	Report	mg/l	1 X Yearly	Grab
Total Kjeldahl Nitrogen	Report	mg/l	1 X Yearly	Grab
Nitrate plus Nitrite Nitrogen	Report	mg/l	1 X Yearly	Grab
Total Phosphorus	Report	mg/l	1 X Yearly	Grab
Boron [3]	Report	mg/l	1 X Quarterly [4]	Grab
Selenium [3]	Report	mg/l	1 X Quarterly [4]	Grab
Sulfate	Report	mg/l	1 X Quarterly [4]	Grab
Arsenic [3]	Report	mg/l	1 X Quarterly [4]	Grab
Mercury [3]	Report	mg/l	1 X Yearly	Grab

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

[2] All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1-inch rainfall) storm event. There shall be a minimum of three (3) months between reported sampling events.

For each sample taken, the permittee shall record the duration and total rainfall of the storm event, the number of hours between beginning of the storm measured and the end of the previous measurable rain event, and the outside temperature at the time of sampling.

A grab sample shall be taken during the first thirty (30) minutes of the discharge (or as soon thereafter as practicable).

- [3] The permittee shall measure and report the identified metal as total recoverable metal.
- [4] Samples shall be taken once at any time during each of the four annual quarters:
 - (A) January-February-March;
 - (B) April-May-June;
 - (C) July-August-September; and
 - (D) October-November-December.

For quarterly monitoring, in the first quarter for example, 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.

B. MINIMUM NARRATIVE LIMITATIONS

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

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

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge.

2. Reporting

The permittee shall submit accurate federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR). All reports shall be submitted electronically by using the NetDMR application, upon registration, receipt of

the NetDMR Subscriber Agreement, and IDEM approval of the proposed NetDMR Signatory. Access the NetDMR website (for initial registration and DMR/MMR submittal) via CDX at: <https://cdx.epa.gov/>. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit. See Part II.C.10 of this permit for Future Electronic Reporting Requirements.

3. Definitions

- a. "Monthly Average" means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month.

The monthly average discharge limitation is the highest allowable average monthly discharge for any calendar month.

- b. "Daily Discharge" means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that reasonably represents the calendar day for the purposes of sampling.
- c. "Daily Maximum" means the maximum allowable daily discharge for any calendar day.
- d. "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).
- e. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.

4. Test Procedure

The analytical and sampling methods used shall conform to the version of 40 CFR 136 incorporated by reference in 327 IAC 5. Different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency. When more than one test procedure is approved for the purposes of the NPDES program under 40 CFR 136 for the analysis of a pollutant or pollutant parameter, the

test procedure must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv).

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The date(s) 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.

6. Additional Monitoring by Permittee

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

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three-year 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 Indiana Department of Environmental Management.

D. REOPENING CLAUSES

In accordance with 327 IAC 3-4-4(b), 327 IAC 5-3-6 and 327 IAC 5-2-16, this permit may be modified, or alternately, revoked and reissued, to reflect any conditions as specified in 327 IAC 5-2-16.

PART II
STANDARD CONDITIONS FOR OPERATIONAL PERMITS
FOR INDUSTRIAL FACILITIES

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of IC 13 and is grounds for enforcement action or for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30, any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part II.B.2., and "Upset Conditions," Part II.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

4. Permit Actions

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. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (i) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (ii) a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Duty to Provide Information

The permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

6. 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 apply for and obtain a renewal of this permit. The application should be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

7. Transfers

This permit is nontransferable to any person except after notice to the Commissioner pursuant to Regulation 327 IAC 3-5-2. The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

8. Containment Facilities

When cyanide or cyanogen compounds are used in any of the processes at this facility, the permittee shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements of Water Pollution Control Board Regulation 327 IAC 2-2-1.

9. Wastewater Treatment Plant and Certified Operators

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

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

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

10. Property Rights

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 private property or an invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. Severability

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 circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby.

12. Inspection and Entry

The permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- e. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized in accordance with 327 IAC 3-5-6(c), any substances or parameters at any location.

13. Construction Permit

The permittee shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Indiana Department of Environmental Management pursuant to 327 IAC 3-2.

14. 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.

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

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

2. Bypass of Treatment Facilities

a. Definitions:

- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility normally utilized for treatment of the waste stream.
- (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 at the permittee's facility.

- b. Bypass may occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) or (d) of this subsection.
- c. Bypass which causes, or is likely to cause, applicable effluent limitations to be exceeded is prohibited unless the following three conditions are met:
 - (1) Bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time; and
 - (3) The permittee submits notice of an unanticipated bypass to the Commissioner within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). Where the permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Commissioner, if possible, at least ten days before the date of the bypass.
- d. An anticipated bypass which meets the three criteria of Paragraph b of this subsection, may be allowed under conditions determined to be necessary by the Commissioner to minimize any adverse effects.

3. Upset Conditions

- 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, if possible;
 - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and
 - (3) The permittee complied with any remedial measures required under Part II.A.3.

4. Removed Substances

Solids, sludge, 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 navigable waters and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new operational or NPDES permit application or, if such changes will not violate the effluent limitations specified in this permit, by advance notice to the Commissioner of such changes. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I.B.2.

3. Compliance Schedules

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

noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

4. Twenty-Four Hour Reporting

The permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Commissioner in the permit; and
- c. Any noncompliance which may pose a significant danger to human health or the environment.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Other Noncompliance

- a. Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.4, or and compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.
- b. The permittee shall report any instances of noncompliance not reported under Part II.C.3. or Part II.4., at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in Part II.C.4.

6. Other Information

Where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

7. Changes in Discharge of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following notification levels.
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) A notification level established by the Commissioner on a case-by-case basis, either at the Commissioner's own initiative or upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).
- b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant that was not reported in the permit application under 40 CFR 122.21(g)(9). However, this subsection b. does not apply to the permittee's use or manufacture of a toxic pollutant solely under research or laboratory conditions.

8. Signatory Requirements

- 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) The manager of one (1) or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty to make major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and

regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a Federal, State, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above.
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The authorization is submitted to the Commissioner.
- c. Electronic Signatures. If documents described in this section are submitted electronically by or on behalf of the regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.
- d. Certification. Any person signing a document identified under Part II.C.9., 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."

9. Availability of Reports

Except for data determined to be confidential under Water Pollution Control Board Regulation 327 IAC 12, 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. Permit applications, permits, and effluent data shall not be considered confidential.

10. Penalties for Falsification of Reports

IC 13-30 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 or not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

11. Future Electronic Reporting Requirements

IDEM is currently developing the technology and infrastructure necessary to allow compliance with the EPA Phase 2 e-reporting requirements per 40 CFR 127.16 and to allow electronic reporting of applications, notices, plans, reports, and other information not covered by the federal e-reporting regulations. IDEM will notify the permittee when IDEM's e-reporting system is ready for use for one or more applications, notices, plans, reports, or other information. This IDEM notice will identify the specific applications, notices, plans, reports, or other information that are to be submitted electronically and the permittee will be required to use the IDEM electronic reporting system to submit the identified application(s), notice(s), plan(s), report(s), or other information. See Part I.C.2. of this permit for the current electronic reporting requirements for the submittal of monthly monitoring reports such as the Discharge Monitoring Report (DMR) and the Monthly Monitoring Report (MMR).



**Operational Permit
Briefing Memo for
Hoosier Energy Rural Electric Cooperative Inc.
Merom Property
Draft: September 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:	Hoosier Energy Rural Electric Cooperative Inc. 2501 S. Cooperative Way Bloomington, Indiana 47402
Existing Permit Information:	Permit Number: INJ064951 Expiration Date: New Permit
Facility Contact:	Angie Lee, Manager – Env. Services (812) 935-4715, alee@hepn.com
Facility Location:	5384 West Old 54 Sullivan, Indiana 47882 Sullivan County
Receiving Stream:	Discharge Canal to Outfall 001 in NPDES Permit No. IN0050296
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	New
Date Application Received:	January 24, 2023
Source Category	Operational Permit
Permit Writer:	Heidi Etter (317) 233-4903, hetter@idem.in.gov

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1.0 OPERATIONAL PERMIT PROGRAM

Operational permits are regulated by the provisions of 327 IAC 3-4. The general regulatory authority under which IDEM administers the operational permit program is provided in 327 IAC 3-4-3. This rule states that the operational permit must contain the terms and conditions necessary to assure that the water pollution control facility will be operated in such a manner that any pollutants released or threatened to be released by the facility into the environment will not cause or contribute to violations of applicable water quality standards, or otherwise cause a significant adverse impact on the environment or the public health.

More specifically, 327 IAC 3-4-4(b) requires that the procedures for the issuance of NPDES permits under 327 IAC 5-3-2, 327 IAC 5-3-3, 327 IAC 5-3-6, 327 IAC 5-3-7, 327 IAC 5-3-14, 327 IAC 5-3-15, and 327 IAC 5-3-16, apply to the issuance of the operational permit. These rules address the application requirements, permit modifications, tentative permit decisions, briefing memos, permit issuance and effective dates, response to comment procedures, and judicial reviews applicable to the operational permit. 327 IAC 5-3-6 (applicable under 327 IAC 3-4-4(b) above) requires that the basic NPDES requirements addressed in 327 IAC 5-2-6, 327 IAC 5-2-8, 327 IAC 5-2-9, 327 IAC 5-2-10, 327 IAC 5-2-13, 327 IAC 5-2-14, and 327 IAC 5-2-15 be incorporated in the operational permit. Finally, 327 IAC 3-5 provides the regulatory authority specific to operational permits for various miscellaneous administrative provisions including enforcement, penalties and fees.

The operational permit includes NPDES regulatory citations where applicable as described above. In some instances, an NPDES regulation not directly applicable to the operational permit has been cited as applicable under the general regulatory authority of 327 IAC 3-4-3.

This Briefing Memo was prepared in order to document the factors considered in the development of Operational Permit effluent limitations. The technical basis for the Briefing Memo may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, and wasteload allocations to meet Indiana Water Quality Standards. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Briefing Memo where necessary.

2.0 FACILITY DESCRIPTION

2.1 General

The Indiana Department of Environmental Management (IDEM) received a permit modification application for NPDES Permit No. IN0050296 submitted by KERAMIDA Inc. on behalf of Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier Energy) and Hallador Power Company, LLC (Hallador) on February 6, 2023. The modification application requested to address the change in ownership and responsibility of the outfalls in the NPDES permit for Merom Generating Station (IN0050296).

As a result of the change in ownership of portions of the Merom Property, IDEM determined that Hoosier Energy will require a new operational permit (INJ064951) for the wastewater discharges associated with the Area 1, 2A and 2B landfills that were covered by Hallador's NPDES permit but not under Hallador's control. The wastewater from these areas consists of landfill leachate and stormwater, but does not discharge directly to waters of the state or a POTW. Therefore, this discharge is no longer subject to the NPDES permit program or the industrial waste pretreatment permit program.

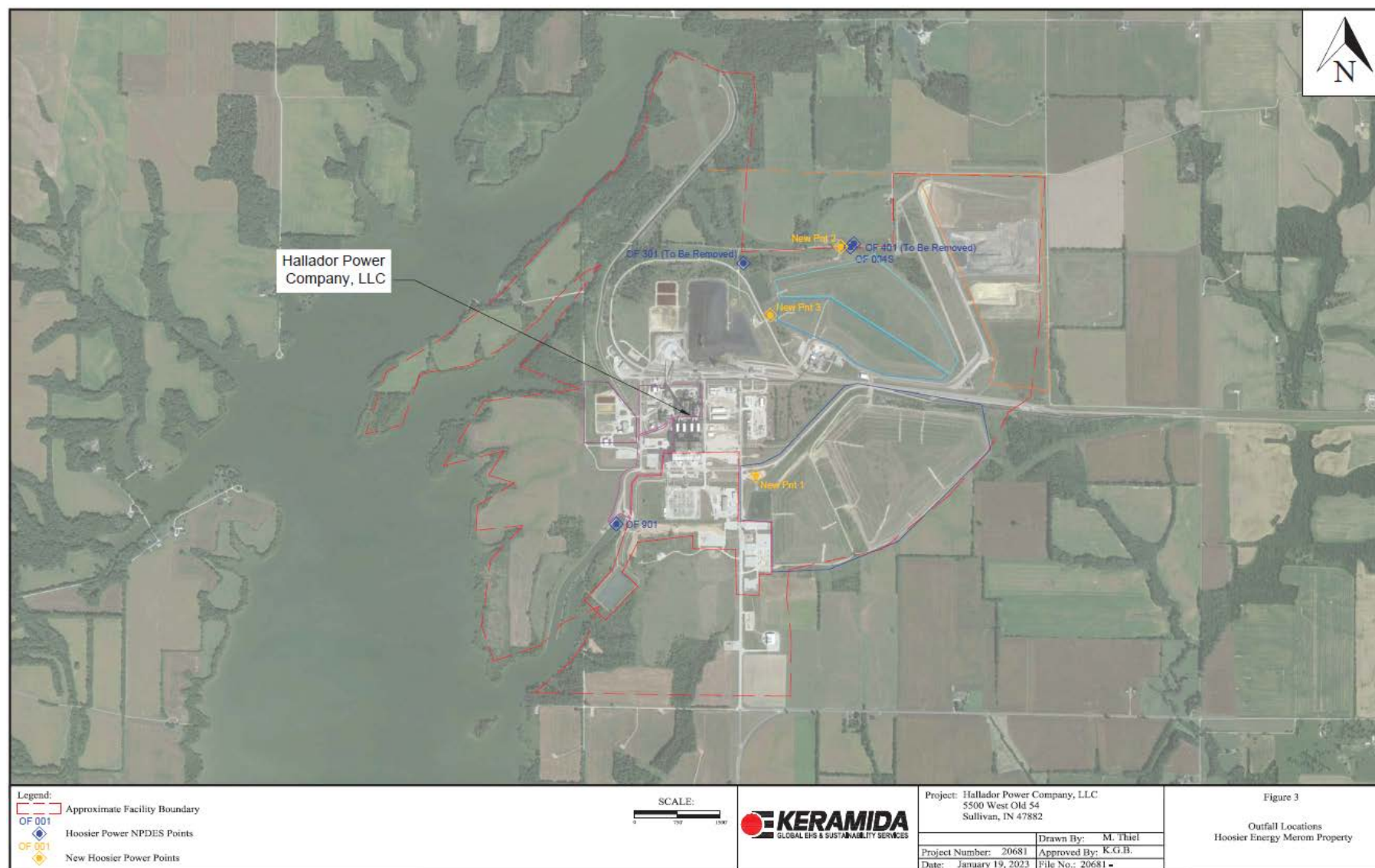
However, 327 IAC 3-4 allows for the agency to determine that a permit to regulate the water pollution control facility, as defined by 327 IAC 3-1-2(24), is necessary in order to contain the terms and conditions necessary to ensure that the water pollution control facility will be operated in such a manner that any pollutants released or threatened to be released by the facility into the environment will not cause or contribute to violations of applicable water quality standards, or otherwise cause a significant adverse impact on the environment or the public health. Due to the nature of the discharge and the discharge's previous coverage under an existing NPDES permit, IDEM determined that an operational permit under 327 IAC 3-4 should be required. Hallador continues to be the permittee for the remaining discharges covered by the NPDES permit.

Therefore, a five-year operational permit is proposed in accordance with 327 IAC 5-2-6(a).

Hoosier Energy is classified under Standard Industrial Classification (SIC) Code 4911 – Electric Power Generation, Transmission or Distribution. The facility manages leachate from closed coal combustion residual landfills related to coal-fire steam electricity generation.

A map showing the location of the facility has been included as Figure 1.

Figure 1: Facility Location



Note: “New Pnt 1”, “New Pnt 2”, and “New Pnt 3” listed in the facility location map are Outfall 001S, Outfall 502, and Outfall 003S, respectively.

5384 West Old 54
 Sullivan, Indiana – Sullivan County

2.2 Outfall Locations

Outfall 502	Latitude: 39° 04' 39" Longitude: -87° 39' 07"
Outfall 901	Latitude: 39° 03' 51" Longitude: -87° 30' 55"
Outfall 001S	Latitude: 39° 04' 00" Longitude: -87° 30' 25"
Outfall 003S	Latitude: 39° 04' 27" Longitude: -87° 30' 23"
Outfall 004S	Latitude: 39° 04' 39" Longitude: -87° 29' 58"

2.3 Wastewater Treatment

All outfalls at the facility discharge to Hallador Power Company, LLC's discharge canal which discharges via Outfall 001 in NPDES Permit No. IN0050296. No treatment occurs prior to discharge.

Outfall 502

Discharge from Outfall 502 consists of Area 1 landfill leachate. The average flow from Outfall 502 is 0.09 MGD.

Outfall 901

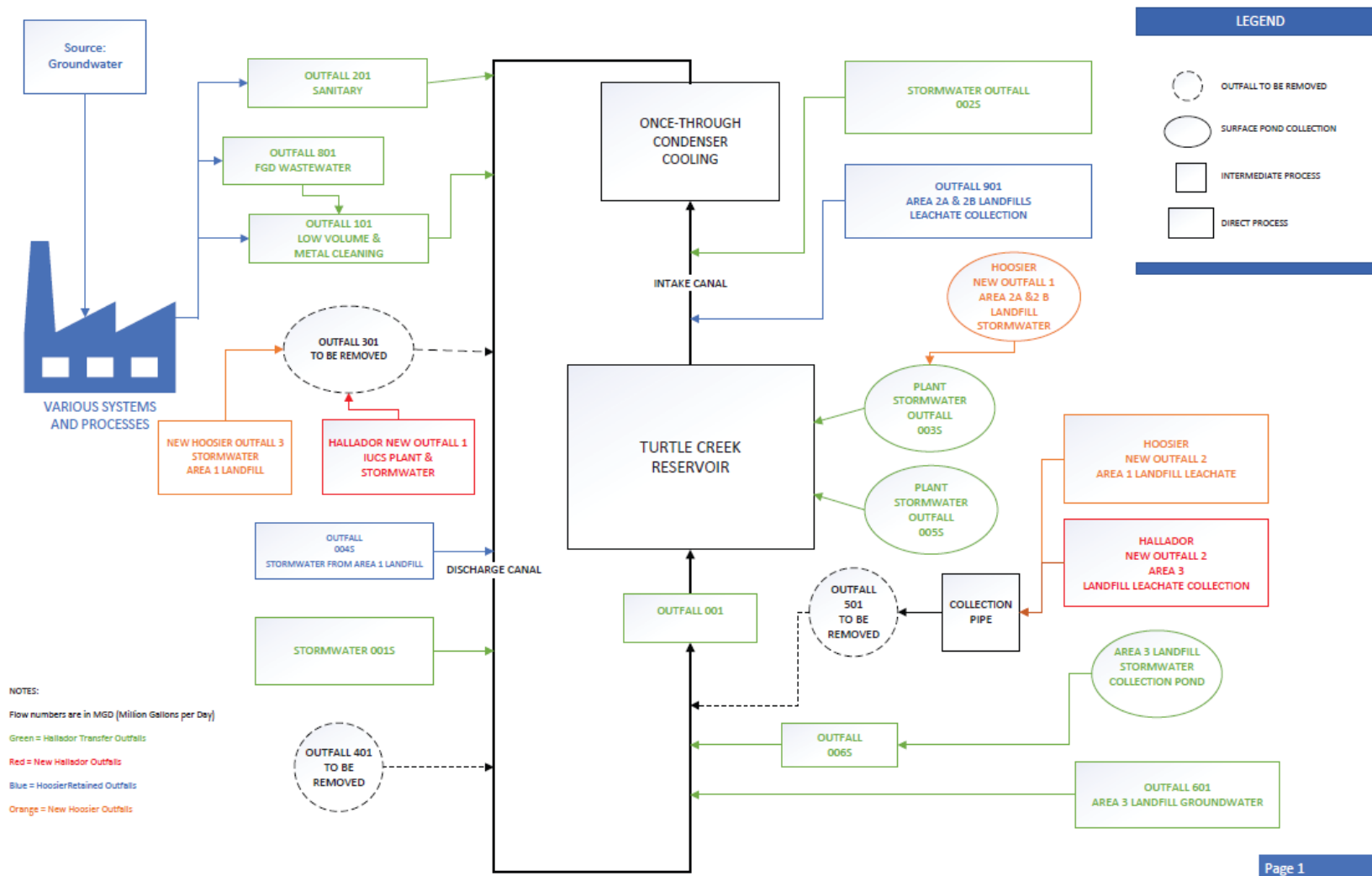
Discharge from Outfall 901 consists of Area 2A and 2B landfill leachate. The average flow from Outfall 901 is 0.16 MGD.

Stormwater outfalls are described in Section 2.5 below.

The facility has an average discharge of approximately 0.25 MGD. A Water Balance Diagram has been included as Figure 2.

Figure 2: Water Balance Diagram

March 31, 2022 MEROM NPDES FLOW DIAGRAM



Note: "Hoosier New Outfall 1", Hoosier New Outfall 2", and "New Hoosier Outfall 3" listed in the flow diagram are Outfall 001S, Outfall 502, and Outfall 003S, respectively.

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 5-23-7.

IDEM has determined that the permittee doesn't operate a wastewater treatment plant as described in 327 IAC 5-23-4.

2.4 Changes in Operation

This is a new operational permit; however, wastewater and stormwater discharges covered under this operational permit were previously covered under NPDES Permit No. IN0050296.

2.5 Facility Stormwater

The stormwater from the Merom Property consists of stormwater runoff from closed coal combustion residual landfill areas. The stormwater is not treated prior to discharge. However, control measures to reduce pollutants in stormwater runoff include closed landfill cover maintenance for each drainage area.

Outfall 001S

Discharge consists of Area 2A and 2B landfill stormwater. A total surface area of 47.0 acres is drained via this outfall.

Outfall 003S

Discharge consists of Area 1 landfill stormwater. A total surface area of 29.9 acres is drained via this outfall.

Outfall 004S

Discharge consists of Area 1 landfill stormwater. A total surface area of 29.9 acres is drained via this outfall.

3.0 PERMIT HISTORY

3.1 Compliance history

This is a new operational permit; however, wastewater and stormwater discharges covered under this operational permit were previously covered under NPDES Permit No. IN0050296.

Due to the segregation of Hoosier Energy's Area 1, 2A, and 2B landfill leachate and stormwater from Hallador's outfalls, the compliance history of Hoosier Energy's landfill leachate and stormwater while covered under NPDES Permit No. IN0050296 is not representative of most of the outfalls under this operational permit.

However, the source and nature of the discharge of Outfall 901 in this operational permit remains unchanged from when it was covered under the NPDES permit. Therefore, a review of the Outfall 901 discharge monitoring data from NPDES Permit No. IN0050296 was conducted for compliance verification and showed no permit limitation violations at Outfall 901 between February 2021 and February 2026.

4.0 LOCATION OF DISCHARGE/RECEIVING WATER USE DESIGNATION

4.1 Discharge Limitations

The receiving stream for Outfalls 502, 901, 001S, 003S, and 004S is a discharge canal owned by Halldor. This discharge canal is not a water of the state.

4.2 Receiving Stream Water Quality

Section 303(d) of the Clean Water Act requires states to identify waters, through their Section 305(b) water quality assessments, that do not or are not expected to meet applicable water quality standards with federal technology based standards alone. States are also required to develop a priority ranking for these waters taking into account the severity of the pollution and the designated uses of the waters. Once this listing and ranking of impaired waters is completed, the states are required to develop Total Maximum Daily Loads (TMDLs) for these waters in order to achieve compliance with the water quality standards. Indiana's 2022 303(d) List of Impaired Waters was developed in accordance with Indiana's Water Quality Assessment and 303(d) Listing Methodology for Waterbody Impairments and Total Maximum Daily Load Development for the 2022 Cycle.

The discharge canal owned by Halldor is not evaluated for impairments in accordance with 303(d), nor is it evaluated for TMDL development.

5.0 PERMIT LIMITATIONS

5.1 Technology-Based Effluent Limits (TBEL)

TBELs require every individual member of a discharge class or category to operate their water pollution control technologies according to industry-wide standards and accepted engineering practices. TBELs are developed by applying the National Effluent Limitation Guidelines (ELGs) established by EPA for specific industrial categories. Technology-based treatment requirements established pursuant to sections 301(b) and 306 of the CWA represent the minimum level of control that must be imposed in an NPDES permit (327 IAC 5-5-2(a)).

In the absence of ELGs, TBELs can also be established on a case-by-case basis using best professional judgment (BPJ) in accordance with 327 IAC 5-2-10 and 327 IAC 5-5 (which implement 40 CFR 122.44, 125.3, and Section 402(a)(1) of the Clean Water Act (CWA)).

BEST PROFESSIONAL JUDGEMENT (BPJ)

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

ELGs have not yet been developed specifically for this type of discharge. Therefore, as provided by law, IDEM may use BPJ to establish TBELs in the proposed permit which meet the requirements of the best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT) or best available technology economically achievable (BAT). TBELs are described in section 5.3 below.

Outfalls 502 and 901

The applicable technology-based standards for discharges of combustion residual leachate from steam electric power generating facilities are contained in 40 CFR 423 – Steam Electric Point Source Category. The EPA established concentration-based limitations.

The discharge from Outfalls 502 and 901 consists of landfill leachate. These landfills have not been associated with the electric generating units (EGUs) operated at Merom Generating Station since 2015 and no materials have gone to the landfills after October 14, 2015.

While covered under NPDES Permit No. IN0050296, the landfill leachate was subject to the following BPT limits for TSS and Oil and Grease per 40 CFR 423.12(b)(11):

Parameter	BPT Effluent Limitations	
	Daily Maximum (mg/l)	Monthly Average (mg/l)
TSS	100	30
Oil and Grease	20	15

Therefore, based on this information, IDEM has used BPJ to establish TBELs for Outfalls 502 and 901 in this operational permit which meet the requirements of best practicable control technology currently available (BPT) for TSS and Oil and Grease provided at 40 CFR 423.12(b)(11).

5.2 Water Quality-Based Effluent Limits

WQBELs are designed to be protective of the beneficial uses of the receiving water and are independent of the available treatment technology. The WQBELs for this facility are based on water quality criteria in 327 IAC 2-1-6 or developed under the procedures described in 327 IAC 2-1-8.2 through 8.7 and 327 IAC 2-1-8.9, and implementation procedures in 327 IAC 5. Limitations are required for any parameter which has the reasonable potential to exceed a water quality criterion as determined using the procedures under 327 IAC 5-2-11.1(h).

5.3 Effluent Limitations and Monitoring Requirements by Outfall

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

5.3.2 Outfall 502 and Outfall 901

Narrative Water Quality Based Limits

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

Flow

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

Total Suspended Solids (TSS)

Due to the discharge of combustion residual leachate, effluent limitations for TSS of 100 mg/l daily maximum and 30 mg/l monthly average are applied using BPJ.

Oil & Grease

Due to the discharge of combustion residual leachate, effluent limitations for oil & grease of 20 mg/l daily maximum and 15 mg/l monthly average are applied using BPJ.

Boron, Calcium, Chloride, Fluoride, Sulfate, Total Dissolved Solids (TDS), Antimony, Arsenic, Barium, Beryllium, Cadmium, Total Chromium, Hexavalent Chromium, Cobalt, Lead, Lithium, Mercury, Molybdenum, Selenium, Thallium, and Radium 226 and 228 combined

In conjunction with other facilities discharging coal combustion residuals, boron, calcium, chloride, fluoride, sulfate, and total dissolved solids (TDS) were selected for monitoring based on the list of constituents for detection monitoring of CCR contaminants found in 40 CFR 257 Appendix III.

Antimony, arsenic, barium, beryllium, cadmium, total chromium, cobalt, fluoride, lead, lithium, mercury, molybdenum, selenium, thallium, and radium 226 and 228 combined were selected for monitoring based on the list of constituents for assessment monitoring of CCR contaminants found in 40 CFR 257 Appendix IV.

Hexavalent Chromium was selected for monitoring based on 329 IAC 10 under the discretion of IDEM OLQ.

The water quality criteria for chloride are hardness and sulfate dependent under 327 IAC 2-1-6(a)(6). Therefore, hardness should be monitored in conjunction with chloride and sulfate. It is recommended that the permittee monitor hardness during the last year of the permit cycle so that the data may be used in reasonable potential to exceed (RPE) analysis for chloride and sulfate in the next permit renewal. If hardness data is not provided for the next permit renewal, a default hardness value will be used instead for RPE analysis.

5.3.4 Stormwater Outfall 001S, 003S, and 004S

Narrative Water Quality Based Limits

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

Flow

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

Total Suspended Solids (TSS), pH, Oil and Grease, COD, CBOD₅, Total Kjeldahl Nitrogen, Nitrate+Nitrite as N, Total Phosphorus

Monitoring requirements for the above parameters are included in this permit. These are pollutants associated with discharges of stormwater from industrial facilities.

Boron, Selenium, Sulfate, Arsenic, Mercury

Based on historical site data, the above parameters are pollutants of concern in the discharge. Therefore, monitoring requirements have been included for these parameters.

5.4 Whole Effluent Toxicity Testing (WETT)

The permit does not contain a requirement to conduct Whole Effluent Toxicity Testing (WETT).

5.5 Antibacksliding

Pursuant to 327 IAC 5-2-10(a)(11), unless an exception 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. This is a new permit; therefore, antibacksliding regulations do not apply at this time.

5.6 Antidegradation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation procedures, which are applicable to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality.

The permittee does not discharge to a water of the state, therefore, the state's Antidegradation Standards and Implementation procedures are not applicable.

5.7 Stormwater

According to 40 CFR 122.26(b)(14) and 327 IAC 15-6-2, landfills that have received any industrial process wastes are considered to be engaging in "industrial activity" for purposes of 40 CFR 122.26(b). Since all stormwater discharges to a discharge canal and not to a water of the state, additional storm water monitoring and additional storm water pollution prevention activities are not required at this time.

5.8 Water Treatment Additives

In the event that changes are to be made in the use of water treatment additives that could significantly change the nature of, or increase the discharge concentration of any of the additives contributing to an outfall governed under the permit, the permittee must apply for and obtain approval from IDEM prior to such discharge. Discharges of any such additives must meet Indiana water quality standards. The permittee must apply for permission to use water treatment additives by completing and submitting State Form 50000 (Application for Approval to Use Water Treatment Additives) available at: <https://www.in.gov/idem/forms/idem-forms-list/> and submitting any needed supplemental information. In the review and approval process, IDEM determines, based on the information submitted with the application, whether the use of any new or changed water treatment additives/chemicals or dosage rates could potentially cause the discharge from any permitted outfall to cause chronic or acute toxicity in the receiving water.

The authority for this requirement can be found under one or more of the following: 327 IAC 5-2-8(11)(B), which generally requires advance notice of any planned changes in the permitted facility, any activity, or other circumstances that the permittee has reason to believe may result in noncompliance with permit requirements; 327 IAC 5-2-8(11)(F)(ii), which generally requires notice as soon as possible of any planned physical alterations or additions to the permitted facility if the alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged; and 327 IAC 5-2-9(2) which generally requires notice as soon as the discharger knows or has reason to know that the discharger has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant that was not reported in the permit application.

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

6.0 PERMIT DRAFT DISCUSSION

6.1 Discharge Limitations, Monitoring Conditions and Rationale

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

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

The monitoring frequencies and sample types proposed are based on the source and nature of the discharges and comparable to the monitoring frequencies and sample types included in permits regulating similar types of discharges.

Outfalls 502 and 901:

Parameter	Monthly Average	Daily Maximum	Units	Minimum Frequency	Sample Type
Flow	Report	Report	MGD	1 X Weekly	Estimate
TSS	30	100	mg/l	1 X Monthly	Grab
Oil and Grease	15	20	mg/l	1 X Monthly	Grab
Boron	Report	Report	mg/l	1 X Monthly	Grab
Calcium	Report	Report	mg/l	1 X Monthly	Grab
Chloride	Report	Report	mg/l	1 X Monthly	Grab
Fluoride	Report	Report	mg/l	1 X Monthly	Grab
Sulfate	Report	Report	mg/l	1 X Monthly	Grab
TDS	Report	Report	mg/l	1 X Monthly	Grab
Antimony	Report	Report	mg/l	1 X Monthly	Grab
Arsenic	Report	Report	mg/l	1 X Monthly	Grab
Barium	Report	Report	mg/l	1 X Monthly	Grab
Beryllium	Report	Report	mg/l	1 X Monthly	Grab
Cadmium	Report	Report	mg/l	1 X Monthly	Grab
Total Chromium	Report	Report	mg/l	1 X Monthly	Grab
Hexavalent Chromium	Report	Report	mg/l	1 X Monthly	Grab
Cobalt	Report	Report	mg/l	1 X Monthly	Grab
Lead	Report	Report	mg/l	1 X Monthly	Grab
Lithium	Report	Report	mg/l	1 X Monthly	Grab
Mercury	Report	Report	ng/l	1 X Quarterly	Grab
Molybdenum	Report	Report	mg/l	1 X Monthly	Grab
Selenium	Report	Report	mg/l	1 X Monthly	Grab
Thallium	Report	Report	mg/l	1 X Monthly	Grab
Radium 226 and 228 combined	Report	Report	mg/l	1 X Monthly	Grab

Outfalls 001S, 003S, and 004S:

Parameter	Daily Maximum	Units	Minimum Frequency	Sample Type
Flow	Report	MGD	1 X Yearly	Estimate Total
TSS	Report	mg/l	1 X Yearly	Grab
pH	Report	s.u.	1 X Quarterly	Grab
Oil and Grease	Report	mg/l	1 X Yearly	Grab
COD	Report	mg/l	1 X Yearly	Grab
CBOD ₅	Report	mg/l	1 X Yearly	Grab
Total Kjeldahl Nitrogen	Report	mg/l	1 X Yearly	Grab
Nitrate + Nitrite, as N	Report	mg/l	1 X Yearly	Grab
Total Phosphorus	Report	mg/l	1 X Yearly	Grab
Boron	Report	mg/l	1 X Quarterly	Grab
Selenium	Report	mg/l	1 X Quarterly	Grab
Sulfate	Report	mg/l	1 X Quarterly	Grab
Arsenic	Report	mg/l	1 X Quarterly	Grab
Mercury	Report	mg/l	1 X Yearly	Grab

6.2 Schedule of Compliance

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

6.3 Special Conditions and Other Permit Requirements

There are no special conditions on this permit.

6.4 Spill Response and Reporting Requirement

Reporting requirements associated with the Spill Reporting, Containment, and Response requirements of 327 IAC 2-6.1 are included in Part II.B.2.(d), Part II.B.3.(c), and Part II.C.3. of the 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 permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

6.5 Permit Processing/Public Comment

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