



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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

August 6, 2010

VIA ELECTRONIC MAIL

Mr. Allen Lambacher
103rd and Lake Michigan
Hammond, Indiana 46320

Dear Mr. Lambacher:

Re: NPDES Permit No. IN 0000221
Permit Modification
Dominion State Line Energy, LLC
Hammond, Indiana

Your request for modification of the above-referenced discharge permit has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15.

An accompanying Briefing Memo itemizes and explains the rationale for the revisions. All discharges from the referenced facility shall be consistent with the terms and conditions of this permit, as modified.

Pursuant to IC 4-21.5-3-2(e) and IC 4-21.5-3-5(f), the determination of modification in this letter becomes effective eighteen (18) days after it is served by U.S. mail. Any party adversely affected or aggrieved by this decision may appeal the modification by filing a request for an adjudicatory hearing with the Office of Environmental Adjudication (OEA) eighteen (18) days after the date of mailing of this letter at the following address:

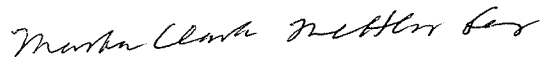
Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Please send a copy of any such appeal to me at the IDEM, Office of Water Quality - Mail Code 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251. Any appeal request must be filed in accordance with IC 4-21.5-3-7, IC 13-15-7, and the enclosed Public Notice. The appeal request must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this modification or otherwise entitled to review by law.

Pursuant to IC 13-15-7-3, the permit shall remain in force pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5 and IC 13-15-7.

If you have questions concerning this modification, please contact Ms. Nahir Bacardi at 317/234-4222. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication at 317/232-8591.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruno Pigott".

Bruno Pigott
Assistant Commissioner
Office of Water Quality

Enclosure

cc: Lake County Health Department
Chief, Permit Section, U.S. EPA Region V

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 "Act"), and IDEM's authority under IC13-15

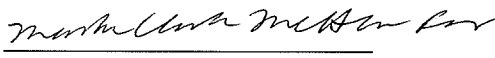
STATE LINE ENERGY LLC

is authorized to discharge from a coal-fired steam electric generating station located at 103rd Street and Lake Michigan in Hammond, Indiana into receiving waters named Lake Michigan in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

The permit, as issued on January 1, 2007, is hereby amended, as contained herein. The amended provisions shall become effective September 1, 2010. 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 December 31, 2011. 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.

Signed on August 6, 2010 for the Indiana
Department of Environmental Management.



Bruno Pigott
Assistant Commissioner
Office of Water Quality

TREATMENT FACILITY CLASSIFICATION

The discharger has a Class D industrial wastewater treatment plant, classified in accordance with 327 IAC 5-22, Classification of Wastewater Treatment Plants.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from **Outfall 001**. The discharge consists of condenser cooling water, all internal outfalls, e.g. (once through cooling water, boiler blowdown, coal pile run-off, roof and equipment drains, low volume wastes, regenerate water). Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS[2][10][11]

<u>Parameter</u>	<u>Quantity or Monthly Average</u>	<u>Loading Daily Maximum</u>	<u>Units</u>	<u>Quality or Monthly Average</u>	<u>Concentration Daily Maximum</u>	<u>Units</u>	<u>Monitoring Measurement Frequency</u>	<u>Requirements Sample Type</u>
Flow[13]	Report	Report	MGD	----	----	----	Daily	24-Hr. Total
Temperature[12]	-----	-----	----	-----	Report	°F	Daily	Continuous
Mercury [3][9]	0.0062	0.015	lbs/day	1.3	3.2	ng/l	Bi-Monthly	Grab
Interim[4][5]	-----	-----	-----	11.40	Report	ng/l	Bi-Monthly	Grab
TRC (Intermittent)[6]	-----	-----	-----	-----	0.2	mg/l	Daily[7]	Grab
Chlorination								
Frequency[8]	-----	4.0	times/day	-----	-----	mg/l	Daily	
Dose duration[8]	-----	40.0	min/dose	-----	-----	mg/l	Daily	
Duration/day[8]	-----	120.0	min/day	-----	-----	mg/l	Daily	
pH[1]	-----	-----	-----	-----	Report	s.u.	1 X Weekly	Grab

[1] The pH of the effluent shall be no less than 6.0 and no greater than 9.0 standard units (s.u.).

[2] See Parts III and IV of the permit for additional requirements.

[3] The permittee applied for, and received, a variance from the water quality criterion used to establish the referenced mercury WQBELs under the streamlined mercury variance (SMV) procedures of 327 IAC 5-3.5. Compliance with the interim discharge limit will demonstrate compliance with this permit.

- [4] For the term of this permit, the permittee is subject to the interim discharge limit developed under the provisions of 327 IAC 5-3.5-8. On each reporting period, the permittee shall report both a daily maximum value and an annual average value for mercury. The annual average value is to be calculated as the average of daily maximum values for mercury measured over the most recent (rolling) twelve-month period. Compliance with the interim discharge limit will be achieved when the average of daily values measured over the most recent (rolling) twelve-month period is less than the interim discharge limit. Mercury monitoring shall be conducted bi-monthly (one sample every other month) in the months of February, April, June, August, October, and December of each year.

The following EPA test methods and/or Standard 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.

<u>Parameter</u>	<u>EPA Method</u>	<u>LOD</u>	<u>LOQ</u>
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l

- [5] Annual average for the purpose of the mercury interim discharge limit.
- [6] The limit is based on 327 IAC 2-1.5-8, Table 8-1. "To be considered an intermittent discharge, TRC shall not be detected in the discharge for a period of more than 40 minutes in duration, and, such periods shall be separated by at least 5 hours. Simultaneous multi-unit chlorination is permitted". Sampling is required only during discharge of chlorine bearing wastewater. Samples are to be taken inside of the discharge canal near that portion of the discharge canal wall through which water is discharged to Lake Michigan or at a representative location prior to discharge to Lake Michigan.
- [7] Monitoring is required only on days when chlorination occurs. The effluent limitations for TRC apply only to peak concentrations occurring during periods of chlorination. Samples shall be taken at times expected to reflect peak chlorine concentrations based on previous experience. The exposure time is defined to be from the point of first detectable measurement to the point of last detectable measurement of TRC.
- [8] The monitoring for "chlorination frequency" and "dose duration" applies only when the facility is chlorinating intermittently, as defined in [6]. TRC may not be discharged from any single generating unit for more than 2 hours per day unless the discharger demonstrates to the permitting authority that discharge for more than 2 hours is required for macro-invertebrate control.
- [9] The permittee shall measure and report these parameters as total recoverable metals.

- [10] In the event that changes are to be made in the use of water treatment additives including dosage rates contributing to Outfall 001, the permittee shall notify the Indiana Department of Environmental Management as required by Part II.C.1. of this permit. The use of any new or changed water treatment additives or dosage rates shall not cause the discharge from any permitted outfall to exhibit chronic or acute toxicity. Acute and chronic aquatic toxicity information must be provided with any notification regarding any new or changed water treatment additives or dosage rates.
- [11] See Part I.B. of the permit for the Narrative Water Quality Standards.
- [12] Intake and discharge temperatures are to be monitored.
- [13] Flow may be estimated using engineering calculations during discharge.

2. B. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall's 101 and 201. The discharge is limited to boiler blowdown. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

Numeric Discharge Limitations, Sampling, and Monitoring Requirements

<u>Parameter</u>	<u>Quantity or Loading</u>			<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Measurement</u>	<u>Sample</u>
	<u>Average</u>	<u>Maximum</u>		<u>Average</u>	<u>Maximum</u>		<u>Frequency</u>	<u>Type</u>
Flow [1]	Report	Report	MGD	----	----	----	1 x Daily	24 Hr. Total

[1] Flow may be estimated using engineering calculations during discharge.

3. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 301. The discharge is limited to coal pile run-off and is an alternative for hydrobin leaks. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

Numeric Discharge Limitations, Sampling, and Monitoring Requirements

<u>Parameter</u>	<u>Quantity or Loading</u>			<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [1]	Report	Report	MGD	----	----	----	1 x Daily	24 Hr. Total
TSS [2]	----	----	----	20	40	mg/l	1 x Weekly	Grab
pH [3]	----	Report	s.u.	----	----	----	1 x Weekly	Grab

- [1] Flow may be estimated using engineering calculations and is to be measured during discharge.
- In the event of heavy precipitation and the necessity to bypass, water may be pumped from the Coal Pile Run-off Basin to enter the wastewater treatment system associated with Outfall 401 or Outfall 003 for further treatment. The IDEM should be notified when wastewater from the Coal Pile Basin is re-routed.
- [2] Pursuant to 40 CFR 423.12(b)(10), any untreated overflow from facilities designed, constructed, and operated to treat coal pile run-off which results from a 10 year, 24 hour rainfall event shall not be subject to effluent parameter limitations.
- [3] The pH of the effluent shall be no less than 6.0 and no greater than 9.0 standard units (s.u.).

4. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 401. The discharge consists of roof, floor and yard run-off, miscellaneous piping systems, fan and bearing cooling water, Unit #3 hydroseal pit, which includes overflow from the ash hopper roughing and polishing filter back wash and ash sluice drains, and tank rinse water from chemical cleans. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

Numeric Discharge Limitations, Sampling, and Monitoring Requirements

<u>Parameter</u>	<u>Quantity or Loading</u>		<u>Units</u>	<u>Quality or Concentration</u>		<u>Units</u>	<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>		<u>Monthly Average</u>	<u>Daily Maximum</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [1]	Report	Report	MGD	----	----	----	1 x Daily	24 Hr. Total
TSS	----	----	----	20	40	mg/l	1 x Weekly	Grab
Oil & Grease	----	----	----	15	20	mg/l	1 x Weekly	Grab
pH [2]	----	Report	s.u.	----	----	----	1 x Weekly	Grab

- [1] Flow may be estimated using engineering calculations and is to be measured during discharge.
- [2] The pH of the effluent shall be no less than 6.0 and no greater than 9.0 standard units (s.u.).

5. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 501. The discharge is limited to demineralizing wastes. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

Numeric Discharge Limitations, Sampling, and Monitoring Requirements

<u>Parameter</u>	<u>Quantity or Loading</u>			<u>Quality or Concentration</u>			<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [1]	Report	Report	MGD	----	----	----	1 x Daily	24 Hr. Total
TSS	----	----	----	20	40	mg/l	1 x Weekly	Grab
Total Iron [2]	----	----	----	----	2.0	mg/l	1 x Weekly	Grab

[1] Flow may be estimated using engineering calculations during discharge.

When necessary, the demineralizer wastewater may be directed to the wastewater treatment system associated with Outfall 401 or Outfall 003 to treat high Iron content or use its low pH content to treat the high pH content of Outfall 401 or Outfall 003. The IDEM should be notified when demineralizer wastes are re-routed.

[2] The permittee shall measure and report this parameter as **total recoverable** metal.

6. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 601. The discharge is limited to metal cleaning wastes. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

Numeric Discharge Limitations, Sampling, and Monitoring Requirements

<u>Parameter</u>	<u>Quantity or Loading</u>		<u>Units</u>	<u>Quality or Concentration</u>		<u>Units</u>	<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>		<u>Monthly Average</u>	<u>Daily Maximum</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [1]	Report	Report	MGD	---	---	---	1 x Daily	24 Hr. Total
Total Copper [2]	---	---	---	1.0	1.0	mg/l	1 x Daily	24 Hr. Composite
Total Iron [2]	---	---	---	1.0	1.0	mg/l	1 x Daily	24 Hr. Composite

- [1] Flow may be estimated using engineering calculations during discharge.
- [2] The permittee shall measure and report these parameters as **total recoverable** metal.

7. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from **Outfall 003**. The discharge is limited to ash sluice and diverted stormwater from Outfall 301. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Lake Michigan. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS[8]

<u>Parameter</u>	<u>Quantity or</u>		<u>Loading</u>	<u>Quality or</u>		<u>Concentration</u>		<u>Monitoring</u>	<u>Requirements</u>
	<u>Monthly</u>	<u>Daily</u>		<u>Monthly</u>	<u>Daily</u>	<u>Daily</u>	<u>Daily</u>		
	<u>Average</u>	<u>Maximum</u>	<u>Units</u>	<u>Average</u>	<u>Maximum</u>	<u>Units</u>	<u>Frequency</u>	<u>Sample</u>	<u>Type</u>
Flow[1]	Report	Report	MGD	-----	-----	-----	Daily	24-Hr. Total	
TSS	-----	-----	-----	20	40	mg/l	1 X Weekly	Grab	
Iron[2][3]	-----	-----	-----	0.7	1.6	mg/l	1 X Weekly	24 Hr. Comp.	
Mercury[2][4]	0.0062	0.015	lbs/day	1.3	3.2	ng/l	Bi-Monthly	Grab	
Interim Limit[5][6]	-----	-----	lbs/day	2.53	Report	ng/l	Bi-Monthly	Grab	
pH[7]	-----	-----	-----	-----	Report	s.u.	1 X Weekly	Grab	

- [1] Flow may be estimated using engineering calculations during discharge.
- [2] The permittee shall measure and report these parameters as total recoverable metals.
- [3] Sampling required only during discharge of treated demineralizer wastewater.
- [4] The permittee applied for, and received, a variance from the water quality criterion used to establish the referenced mercury WQBELs under the streamlined mercury variance (SMV) procedures of 327 IAC 5-3.5. Compliance with the interim discharge limit will demonstrate compliance with this permit.

To calculate mass values from the concentration that is either below the LOD or between the LOQ and the LOD, see Part I.C.2 of the permit.

- [5] For the term of this permit, the permittee is subject to the interim discharge limit developed under the provisions of 327 IAC 5-3.5-8. On each reporting period, the permittee shall report both a daily maximum value and an annual average value for mercury. The annual average value is to be calculated as the average of daily maximum values for mercury measured over the most recent (rolling) twelve-month period. Reporting of the annual average for mercury is not required during the first year of the permit term. Compliance with the interim discharge limit will be achieved when the average of daily values measured over the most recent (rolling) twelve-month period is less than the interim discharge limit.

Mercury monitoring shall be conducted bi-monthly in the months of February, April, June, August, October, and December of each year.

The following EPA test methods and/or Standard 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.

<u>Parameter</u>	<u>EPA Method</u>	<u>LOD</u>	<u>LOQ</u>
Mercury	1631, Revision E	0.2 ng/l	0.5 ng/l

- [6] Annual average for the purpose of the mercury interim discharge limit.
- [7] The pH of the effluent shall be no less than 6.0 and no greater than 9.0 standard units (s.u.).
- [8] See Part I.B. of the permit for the Narrative Water Quality Standards.

B. NARRATIVE WATER QUALITY STANDARDS

1. In accordance with 327 IAC 2-1.5-8, all waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to the discharge:
 - a. That will settle to form putrescent or otherwise objectionable deposits;
 - b. That are in amounts sufficient to be unsightly or deleterious;
 - c. That produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - d. Which are in amounts sufficient to be acutely toxic to , or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
 - e. Which 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. At all times, all waters outside the mixing zone shall be free of substances in concentrations which 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. Discharge Monitoring Reports

- a. For parameters with monthly average water quality based effluent limitations (WQBELs) below the LOQ, daily effluent values that are less than the limit of quantitation (LOQ) may be assigned a value of zero (0).

- b. For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or approved by the Commissioner.
- c. Effluent concentrations less than the LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- d. Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.
- e. Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.
- f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

The permittee shall submit federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be postmarked 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.

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.

3. Definitions

a. Monthly Average

- (1) Mass Basis - The "monthly average" discharge means the total mass discharge during a calendar month divided by the number of days in the month that the production or commercial facility was discharging. Where less than daily

samples is required by this permit, the monthly average discharge shall be determined by the summation of the measured daily mass discharges divided by the number of days during the calendar month when the measurements were made.

- (2) Concentration Basis - The “monthly average” concentration means the arithmetic average of all daily determinations of concentration made during a calendar month. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

b. “Daily Discharge”

- (1) Mass Basis – The “daily discharge” means the total mass discharge by weight during any calendar day.
- (2) Concentration Basis – The “daily discharge” means the average concentration over the calendar day or any twenty-four (24) hour period that reasonably represents the calendar day for the purposes of sampling.

c. “Daily Maximum”

- (1) Mass Basis – The “daily maximum” means the maximum daily discharge mass value for any calendar day.
- (2) Concentration Basis – The “daily maximum” means the maximum daily discharge value for any calendar day.
- (3) Temperature Basis – The “daily maximum” means the highest temperature value measured for any calendar day.

d. A 24-hour composite sample consists of at least 3 individual flow-proportioned samples of wastewater, taken by the grab sample method or by an automatic sampler, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow-proportioned composite sample may be obtained by:

- (1) recording the discharge flow rate at the time each individual sample is taken,

- (2) adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow" value,
 - (3) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,
 - (4) then multiply the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.
- e. Concentration -The weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).
- f. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- g. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.
- h. "Limit of Detection or LOD" means a measurement of the concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the method detection level or MDL.
- i. "Limit of Quantitation or LOQ" means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also sometimes called limit quantification or quantification level.
- j. "Method Detection Level or MDL" means the minimum concentration of an analyte (substance) that can be measured and

reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by procedure set forth in 40 CFR 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

4. Test Procedure

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

- a. Standard Methods for the Examination of Water and Wastewater 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b. A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- c. Methods for Chemical Analysis of Water and Wastes June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

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 dates 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 (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

7. Records Retention

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

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

D. REOPENING CLAUSES

This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing:

1. to comply with any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
 - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - b. controls any pollutant not limited in the permit.
2. to incorporate any of the reopening clause provisions cited at 327 IAC

5-2-16.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

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

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

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation. Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction.

Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand (\$100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

3. Duty to Mitigate

Pursuant to 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Modification, Revocation, and Reissuance, and Termination

In accordance with 327 IAC 5-2-8(4) and 327 IAC 5-2-16(b), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts by the permittee in the application or during the permit issuance process; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by this permit.
- d. The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:
 - (1) could significantly change the nature of, or increase the quantity of, pollutants discharged; or
 - (2) the commissioner may request to evaluate whether such cause exists.

The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or any information specified in Part II.A.5 of this permit does not stay or suspend any permit term or condition.

5. Duty to Provide Information Requested by the Commissioner

Pursuant to 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within reasonable time, any information which the Commissioner may request to determine compliance with this permit. Pursuant to 327 IAC 5-1-3, the permittee shall furnish to the

Commissioner any reports or data necessary to carry out the provisions of 327 IAC 5 in such a manner as the Commissioner may reasonably prescribe.

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 in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to obtain and submit the application. Pursuant to 327 IAC 5-3-2(a)(2), the application must be submitted at least 180 days in advance of 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. Permit Transfer

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

- a. The current permittee notified the commissioner at least thirty (30) days in advanced of the proposed transfer date.
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgement that the existing permittee is liable for violations up to the date, and that the transferee is liable for violations from that date on) is submitted to the commissioner.
- c. The transferee certifies in writing to the commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the commissioner may allow a temporary transfer of the permit without the permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.

- d. The commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

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

8. Toxic Pollutants

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

9. Operator Certification

The permittee shall have the wastewater treatment facilities under supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 5-22.

10. Oil and Hazardous Substance Liability

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

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal actions or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any application state law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Property Rights

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

13. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstances is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby if such provisions can be given effect without the invalid provision or application.

14. Inspection and Entry

Pursuant to 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the commissioner), upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a point source is located, 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:
 - (1) any monitoring equipment or method;
 - (2) any collection, treatment, pollution management, or discharge facilities; or
 - (3) practices required or otherwise regulated under the permit.

- d. Sample or monitor at reasonable time, any discharge of pollutants or internal wastestream (where necessary to ascertain the nature of a discharge of pollutants) for the purpose of evaluating compliance with this permit or as otherwise authorized.

15. Construction Permit

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

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

The notice and design summary shall be sent to the Office of Water Quality - Mail Code 65-42, Industrial NPDES Permits Section, 100 North Senate Avenue, Indianapolis, IN 46204-2251.

16. New or Increased Discharge of Pollutants

This permit prohibits the permittee from undertaking any deliberate action that would result in degradation of the water quality in the receiving waterbody. The permittee shall notify the Commissioner if there is any increase in the loading of a bioaccumulative chemical of concern (BCC), above normal variability, attributable to a deliberate action unless the increased discharge of the BCC qualifies under one of the exceptions under 327 IAC 5-2-11.7(b) or (c).

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

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

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

- a. Terms as defined in 327 IAC 5-2-8(11)(A):
 - (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. The permittee may allow a bypass to occur that does not exceed any effluent limitations contained in this permit, but only if it is essential maintenance to assure efficient operation. The permittee is not required to notify the Commissioner about bypasses that meet this definition. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.d and e of this permit.
- c. Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II.B.2.e; or

- (4) The condition under Part II.B.2.b above is met.
- d. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1.
- e. The permittee must provide the Commissioner with the following notice:
 - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
 - (2) The permittee shall orally report an unanticipated bypass that exceeds any limitations in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event.
- f. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.c. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

3. Upset Conditions

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

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment

facilities, lack of preventive maintenance, or careless or improper operation.

- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, 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) The permittee submitted notice of the upset as required in the "Twenty-Four Hour Reporting Requirements," Part II.C.3, or 327 IAC 2-6.1, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility. In this context, permit facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as outlined in 327 IAC 5-1.5.
- b. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharge. This notification applies to pollutants that are subject either to effluent limitations in Part I.A. or to notification requirements in Part II.C.9. of this permit.

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

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Discharge Monitoring Reports", Part I.C.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;
- c. Any upset that causes an exceedance any effluent limitations in the permit;

The permittee can make the oral reports by calling (317)232-8670 during regular business hours or by calling (317) 233-7745 ((888)233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of

the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report", whichever is appropriate, to IDEM at (317) 232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

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.3, or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a responsible corporate officer defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation or the manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty (250) persons or having the gross annual sales or expenditures exceeding twenty-five million dollars

(\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned 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 government body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is 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 a 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. Certification. Any person signing a document identified under Part II.C.7. 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 in the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Changes in Discharge of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which 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 μ g/l);
 - (2) Two hundred micrograms per liter (200 μ g/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μ g/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1mg/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 his 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 which was not reported in the permit application under 40 CFR 122.21(g)(9).

PART III
Other Requirements

A. 316a THERMAL VARIANCE

The Permittee has in the past demonstrated, in accordance with Section 316(a) of the Federal Clean Water Act, that the thermal discharge of once-through-cooling water from Outfall 001 had no detrimental effect on the aquatic community of the receiving stream. Therefore, the permittee was granted a variance from the thermal water quality criteria. The permittee is authorized to continue operating under its established condenser cooling mode. Any change in operation which would result in an increase of heat output to Lake Michigan is subject to prior review and approval by the Commissioner.

B. 316(b) -- COOLING WATER INTAKE STRUCTURE

Section 316(b) of the Clean Water Act requires the location, design, construction, and capacity of cooling water intake structures to reflect the best available technology for the minimization of adverse environmental impact. The intent of this requirement is to minimize damage to aquatic organisms from entrapment or impingement of larger organisms against the outer parts of intake structures and entrainment of smaller organisms in the cooling water as it is pumped through the plant.

The intake structure at the facility was approved in the previous permit relating to the location, design, construction, and capacity of the cooling water intake structures to reflect the best technology available for minimizing adverse environmental impact. The 316(b) demonstration was approved by Region 5 and the State of Indiana in 1978. See part IV for new 316(b) requirements.

C. DISCHARGE LIMITATIONS FOR INTAKE SCREEN BACKWASH

The discharge of Intake Screen Backwash shall meet the Narrative Water Quality Standards contained in Part I.B. of the permit. There shall be no discharge of debris from intake screen washing operations which will settle to form objectionable deposits, which is in amounts sufficient to be unsightly or deleterious, or which will produce colors or odors constituting a nuisance.

D. POLYCHLORINATED BIPHENYL

There shall be no discharge of polychlorinated biphenyl (PCBs) compounds such as those commonly used for transformer fluid.

PART IV

A. Reopening Clause

This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable standards, regulations and requirements issued or approved under section 316(b) of the Clean Water Act, if the standards, regulations and requirements so issued or approved contains different conditions than those in the permit.



National Pollutant Discharge Elimination System

FACT SHEET MODIFICATION for

Dominion State Line Energy, LLC

May 2010

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:	Dominion State Line Energy, LLC 103 rd Street and Lake Michigan Hammond, Indiana 46325
Existing Permit Information:	Permit Number: IN0000221 Expiration Date: December 11, 2011
Source Contact:	Allen Lambacher
Source Location:	103 rd Street and Lake Michigan Hammond, IN Lake County
Receiving Stream:	Lake Michigan
Proposed Action:	Modify Permit
Source Category	NPDES Major-- Industrial
Permit Writer:	Nahir Bacardi EM II nbacardi@idem.in.gov

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1.0 INTRODUCTION

The Indiana Department of Environmental Management (IDEM) received a National Pollutant Discharge Elimination System (NPDES) Permit modification application from Dominion State Line Energy, LLC on March 26, 2009.

The Federal Water Pollution Control Act of 1972 and subsequent amendments require a NPDES permit for the discharge of wastewater to surface waters. Furthermore, Indiana Statute 13-15-1-2 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 both federal and state requirements.

In accordance with Title 40 of the Code of Federal Regulations (CFR) Sections 124.8 and 124.6, as well as Indiana Administrative Code (IAC) 327 Section 5, development of a Fact Sheet is required for NPDES permits.

This Fact Sheet modification was prepared in order to document all the factors considered in order to conduct this permit modification. The technical basis for this modified Fact Sheet may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, and wasteload allocations to meet Indiana Water Quality Standards.

2.0 DESCRIPTION

2.1 General

The facility submitted a request to modify their permit. The request is associated with the permit's Schedule of Compliance (SC) for copper and lead at outfall 001.

The facility conducted an evaluation based on a Reasonable Potential to Exceed (RPE) the Lake Michigan water quality standards. Based on results, the facility believes that an RPE does not exist and therefore, limitations should be removed.

IDEM conducted an RPE on April 5, 2010 for copper and lead. Based on results, the discharge does not have an RPE water quality criterion for copper and lead. Limitations will be removed from the permit through this modification.



Figure 1: Facility Location

Lake County

Modified on 5/12/2010 by Nahir Bacardi EMII

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 8B – F

DATE OF NOTICE: AUGUST 6, 2010

The Office of Water Quality issues the following NPDES FINAL PERMIT.

MAJOR – MODIFICATION

DOMINION STATE LINE ENERGY LLC, Permit No. IN0000221, LAKE COUNTY, 103rd & Lake Michigan, Hammond IN. This industrial permit modification reflects the removal of copper & lead monitoring requirements. Permit Writer: Nahir Bacardi at 317/234-4222, nbacardi@idem.in.gov.

APPEAL PROCEDURES FOR FINAL PERMITS

The Final Permits are available for review & copies at IDEM, Indiana Government Center, North Bldg, 100 N Senate Ave, Indianapolis, IN, Rm 1203, Office of Water Quality/NPDES Permit Section, from 9 – 4, M - F (copies 10¢ per page). Each Final Permit is available at the respective, local County Health Department. **Please tell others you think would be interested in this matter.** Regarding your rights and responsibilities pertaining to the Public Notice process and timeframes, please refer to IDEM websites: <http://www.in.gov/idem/5474.htm> and IDEM Permit Guide (Public Participation): <http://www.in.gov/idem/4172.htm>. To view the Citizen Guide go to: <http://www.in.gov/idem/5803.htm>.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.