



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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

Eric J. Holcomb  
*Governor*

Brian C. Rockensuess  
*Commissioner*

February 23, 2024

Via Electronic Mail : [Jeffrey.Barwick@nscorp.com](mailto:Jeffrey.Barwick@nscorp.com)

Mr. Jeffrey Barwick, P.E., Director, Env. Compliance  
Norfolk Southern Railway Co.  
650 W. Peachtree St NW Box 27  
Atlanta, GA 30308

Dear Mr. Barwick:

Re: IDEM Approval of Request to Terminate  
NPDES General Permit Coverage # ING670121  
Norfolk Southern Railway Co. – Elkhart Yard  
WWTP Improvements Project  
2600 W. Lusher Ave.  
Elkhart, IN - Elkhart County

We have received a letter dated December 8, 2023, submitted by Kyle Turner of Haley and Aldrich on your behalf, requesting termination of coverage under NPDES general permit ING670000 for the above-mentioned project. Mr. Turner states that all water from the hydrostatic testing project has been discharged as of November 6, 2023 and that NPDES general permit coverage is no longer required.

Based on this information, our Office concurs that it is acceptable to terminate this permit coverage. Therefore, **termination** of NPDES general permit coverage #ING670121, issued October 30, 2023, is **deemed effective on December 31, 2023**.

Please note that IDEM shall serve notice of its decision to terminate your facility's coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM.

The addresses are as follows:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 103  
100 N. Senate Ave.  
Indianapolis, IN 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 N. Senate Ave.  
Indianapolis, IN 46204

Please be aware that the submittal of monitoring data via NetDMR is required for all months up to the termination date of this general permit coverage. Also, future discharge to waters of the state must be preceded by the submittal of an NPDES application at least 180 days prior to the commencement of such discharge, unless a later date is allowed by rule or an applicable NPDES general permit.

If you have any questions regarding this matter, please feel free to contact Ms. C. Anne Burget of my staff at (317) 234-8745 or [cburget@idem.IN.gov](mailto:cburget@idem.IN.gov).

Sincerely,

*Catherine Hess*

Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

cc: Elkhart County Health Department  
Kyle Turner, Haley and Aldrich (KTurner@HaleyAdrich.com)

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
PUBLIC NOTICE NO. 20240223– ING670121–GP  
DATE OF NOTICE: FEBRUARY 23, 2024**

The Office of Water Quality approves the following:

**TERMINATION of NPDES GENERAL PERMIT COVERAGE under ING670000:**

**NORFOLK SOUTHERN RAILWAY CO. – ELKHART YARD WWTP IMPROVEMENTS PROJECT**, NPDES General Permit Coverage No. ING670121, located at 2600 Lusher Ave., Elkhart, IN (ELKHART COUNTY). Due to this project's completion, the permittee has submitted a request to terminate coverage under NPDES general permit ING670000 for wastewater discharges from hydrostatic testing of commercial pipelines. Termination of permit coverage is deemed effective December 31, 2023. For more information regarding this permit action, please contact Ms. C. Anne Burget at (317) 234-8745 or [cburget@idem.IN.gov](mailto:cburget@idem.IN.gov).

**Notice of Right to Administrative Review**

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room N103  
100 North Senate Avenue  
Indianapolis, IN 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, IN 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
  - a. a person to whom the order is directed;
  - b. aggrieved or adversely affected by the permit; or
  - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review please refer to OEA's website at <https://www.in.gov/oea>.



HALEY & ALDRICH, INC.  
400 Augusta Street, Suite 100  
Greenville, SC 29601  
864.214.8750

8 December 2023

C. Anne Burget  
NPDES General Permits  
Indiana Dept. of  
Environmental Management  
100 N. Senate Avenue, Rm 1255

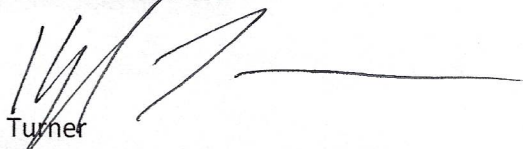
Attention: C. Anne Burget

Subject: Termination of Hydrotest Permit  
NPDES # ING670121  
Elkhart Rail Yard WWTP Improvements  
Elkhart, Indiana

Dear Ms. Burget:

Please be advised that on November 6<sup>th</sup>, 2023, all hydrotest water associated with ING670121 Outfall 9 was discharged. No further water will be discharged under this permit number. We request the permit be terminated before the year's end.

Sincerely,  
**HALEY & ALDRICH, INC.**



Kyle Turner  
Construction Project Manager