

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240524 – IN0001759– D

DATE OF NOTICE: May 24, 2024

DATE RESPONSE DUE: June 24, 2024

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

Major – Modification :

Indiana-Kentucky Electric Corporation, Permit No. IN0001759, JEFFERSON COUNTY, 1335 Clifty Hollow Road, Madison, IN. The Clifty Creek Station is a coalfired steam electric generating facility that utilizes six generating units with a combined generating capacity of 1304 MW. All six units utilize a once-through cooling system. The NPDES Permit No. IN001759 was issued for renewal on November 29, 2022, and subsequently appealed by the permittee on December 14, 2022. IDEM and the permittee entered settlement negotiations to resolve the petition, and the permittee submitted a request for a permit modification on April 27, 2023 as a result of the negotiations. Permit Manager: Richard Hamblin 317/232-8696, rhamblin@idem.in.gov. Posted online at <https://www.in.gov/idem/public-notices/>.

PROCEDURES TO FILE A RESPONSE

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

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

To Request a Public Hearing: Any person may request a public hearing. A written request must be submitted to the above address on or before the Response Due Date. The written request shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the hearing. The Department will determine whether to hold a public hearing based upon the comments and the rationale for the request. Public Notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons submitting comments and/or on the mailing list at least 30

days prior to the hearing.



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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

May 24, 2024

VIA ELECTRONIC MAIL

Mr. Brian Hornsby, Plant Manager
Ohio Valley Electric Corporation
3932 U.S. Rte. 23
P.O. Box 469
Piketon, OH 45661

Dear Mr. Hornsby:

Re: NPDES Permit No. IN0001759
Draft Permit Modification
Indiana-Kentucky Electric Corporation –
Clifty Creek Station
Madison, IN – Jefferson County

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

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

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

Questions concerning this draft permit modification may be addressed to me, at 317/232-8696 or rhamblin@idem.in.gov.

Sincerely,

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

Enclosures

cc: Jefferson County Health Department
Andrew Dryden, IDEM
Chief, Permits Section, U.S. EPA, Region 5



A State that Works

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

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

INDIANA-KENTUCKY ELECTRIC CORPORATION
CLIFTY CREEK STATION

is authorized to discharge from a steam electric generating station that is located at 1335 Clifty Hollow Road, Madison, Indiana, to receiving waters identified as the Ohio River, Clifty Creek, and unnamed tributaries to Clifty Creek 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 November 29, 2022, is hereby amended as contained herein. The amended provisions shall become effective _____. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the amendments will remain in effect until the amended provisions become effective. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

This permit and the authorization to discharge, as amended, shall expire at midnight November 30, 2027. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Issued on _____ for the Indiana Department of Environmental Management.

Jerry Dittmer, Chief
Permits Branch
Office of Water Quality

must be performed by qualified personnel with at least one member of your stormwater pollution prevention team.

2. Routine Facility Inspection Documentation – You must document the findings of each routine facility inspection performed and maintain this documentation within your SWPPP or have the on-site record keeping location referenced in the SWPPP. At a minimum, your documentation must include:
 - (A) The inspection date and time;
 - (B) The name(s) and signature(s) of the inspectors;
 - (C) Weather information and a description of any discharges occurring at the time of the inspection;
 - (D) Any previously unidentified discharges of pollutants from the site;
 - (E) Any control measures needing maintenance or repairs;
 - (F) Any failed control measures that need replacement;
 - (G) Any incidents of noncompliance observed; and
 - (H) Any additional control measures needed to comply with the permit requirements.

c. Annual Comprehensive Site Inspections

Comprehensive Site Inspection - Qualified personnel and at least one member of your Pollution Prevention Team shall conduct a comprehensive site inspection, at least once per calendar year, to confirm the accuracy of the description of potential pollution sources contained in the plan, determine the effectiveness of the plan, and assess compliance with the permit. Each Comprehensive Site Inspection shall include:

1. Each Comprehensive Site Inspection shall address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitator, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could lead to contamination of stormwater runoff associated with industrial activity. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke,

(4) If, in any control, more than 10% of the test organisms die in the first 48 hours with a daphnid species or the first 96 hours with fathead minnow, or more than 20% of the test organisms die in 7 days, that test is considered invalid and the toxicity test must be repeated. In addition, if in the *Ceriodaphnia dubia* survival and reproduction test, the average number of young produced per surviving female in the control group is less than 15, or if 60% of surviving control females have less than three broods; and in the fathead minnow (*Pimephales promelas*) survival and growth test, if the mean dry weight of surviving fish in the control group is less than 0.25 mg, that test is considered invalid and must also be repeated. All other test conditions and test acceptability criteria for the fathead minnow (*Pimephales promelas*) and *Ceriodaphnia dubia* chronic toxicity tests must be in accordance with the test requirements in Section 11 (Test Method 1000.0), Table 1 and Section 13 (Test Method 1002.0), Table 3, respectively, of the Chronic Toxicity Test Method.

c. Effluent Sample Collection and Chemical Analysis

(1) Whole effluent samples taken for the purposes of toxicity testing must be 24-hour composite samples collected at a point that is representative of the final effluent, but prior to discharge. Effluent sampling for the toxicity testing may be coordinated with other permit sampling requirements as appropriate to avoid duplication. First use of the whole effluent toxicity testing samples must not exceed 36 hours after termination of the 24-hour composite sample collection and must not be used for longer than 72 hours after first use. For discharges of less than 24 hours in duration, composite samples must be collected for the duration of the discharge within a 24-hour period (see “24-hour composite sample” definition in Part I.C.3. of this permit).

(2) Chemical analysis must be conducted on each effluent sample taken for toxicity testing, including each sample taken for the repeat testing as outlined in Part I.F.1.f.(3). The chemical analysis detailed in Part I.A.2 (Outfall 002) must be conducted for the effluent sample in accordance with Part I.C.4. of this permit. The results from these chemical analyses must be included with the full whole effluent toxicity (WET) test laboratory report submitted pursuant to Part I.F.1.e.(3).

d. Toxicity Testing Species, Frequency and Duration

Within 90 days of the effective date of the permit, the permittee must initiate chronic toxicity testing for *Ceriodaphnia dubia* and fathead minnow (*Pimephales promelas*). The testing must be conducted monthly for a period of three (3) consecutive months.



National Pollutant Discharge Elimination System
Fact Sheet for
Indiana-Kentucky Electric Corporation
Clifty Creek Station
Draft modification: April 2024
Final modification:

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:	Indiana-Kentucky Electric Corporation P.O. Box 468 Piketon, OH 45661
Existing Permit Information:	Permit Number: IN0001759 Expiration Date: November 30, 2027
Facility Contact:	Brian Hornsby, Plant Manager bhornsby@ovec.com
Facility Location:	1335 Clifty Hollow Road Madison, IN 47250 Jefferson County
Receiving Stream:	Ohio River Clifty Creek Unnamed Tributaries to Clifty Creek
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modify
Date Petition Received:	December 14, 2022
Source Category	NPDES Major – Industrial
Permit Writer:	Richard Hamblin (317)232-8696 or rhamblin@idem.in.gov

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1.0 INTRODUCTION

The Indiana Department of Environmental Management (IDEM) received a Request for Adjudicatory Hearing, Petition for Administrative Review and Petition for Stay of Effectiveness of certain terms and conditions of the NPDES Permit with the Indiana Office of Environmental Adjudication on December 14, 2022. A request from the permittee on April 27, 2023, to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0001759, was also received. IDEM and the permittee entered into settlement negotiations to resolve the petition, and this permit modification is the result of the negotiations.

The current five year permit was issued with an effective date of December 1, 2022, in accordance with 327 IAC 5-2-6(a). Corrections for typographical errors in the permit was subsequently issued on August 8, 2023.

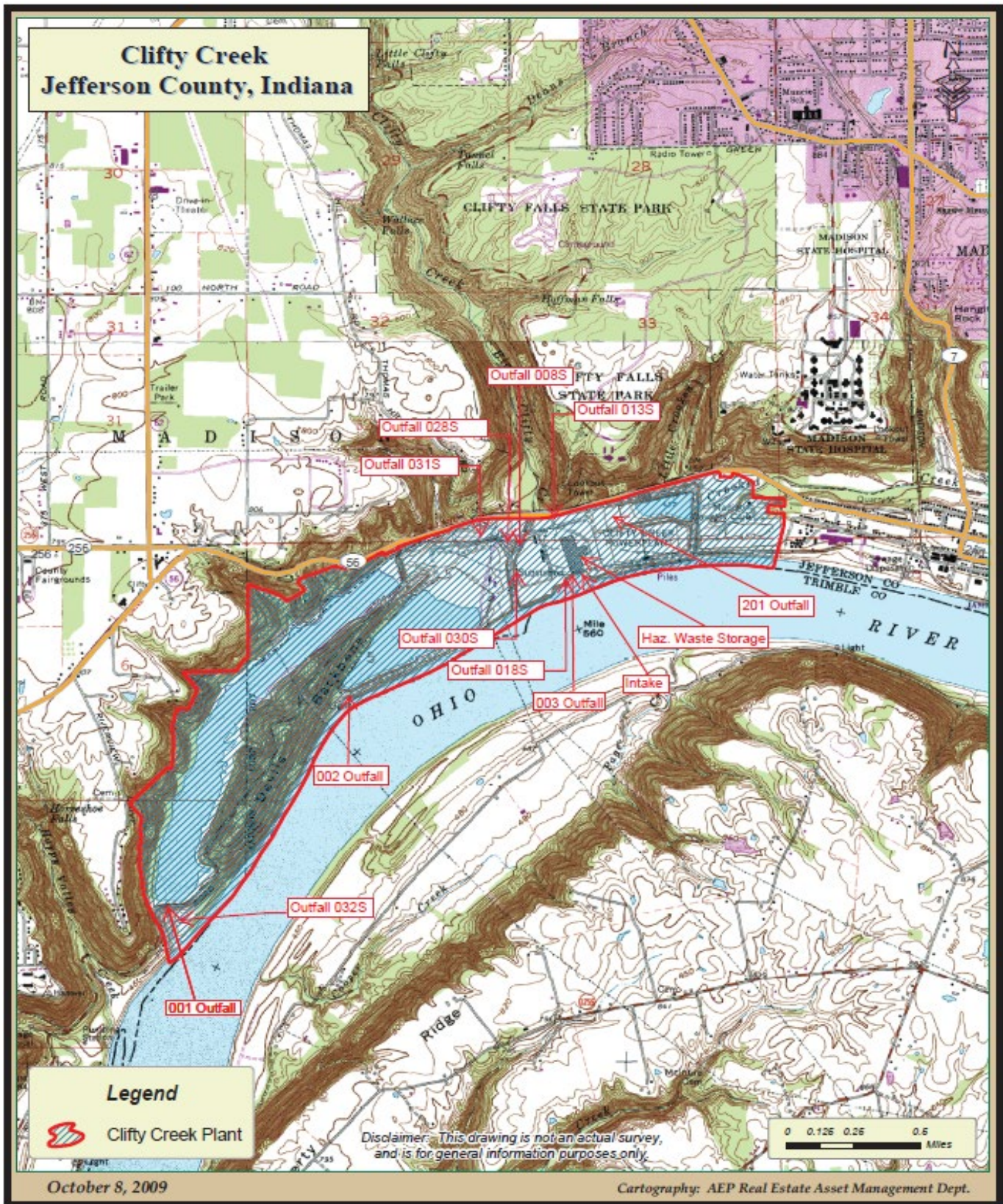
In accordance with Title 40 of the Code of Federal Regulations (CFR) Sections 124.8 and 124.56, as well as Title 327 of the Indiana Administrative Code (IAC) Article 5-3-8, a Fact Sheet is required for certain NPDES permits. This document fulfills the requirements established in these regulations. This Fact Sheet was prepared in order to document the factors considered in the development of NPDES Permit effluent limitations. The technical basis for the Fact Sheet may consist of evaluations of promulgated effluent guidelines, existing effluent quality, receiving water conditions, Indiana water quality standards-based wasteload allocations, and other information available to IDEM. Decisions to award variances to Water Quality Standards or promulgated effluent guidelines are justified in the Fact Sheet where necessary. This Fact Sheet also identifies the modified pages of the permit as issued on November 29, 2022.

2.0 FACILITY DESCRIPTION

2.1 General

Indiana-Kentucky Electric Corporation – Clifty Creek Station (IKEC) is classified under Standard Industrial Classification (SIC) Code 4911 – Electric Services. The Clifty Creek Station is a coal-fired steam electric generating facility that utilizes six generating units with a combined generating capacity of 1304 MW. All six units utilize a once-through cooling system. The majority of water usage at the facility is non-contact cooling water with the remainder of the water being primarily used for bottom ash processing. The source water for the facility is obtained from the Ohio River via an intake structure. A map showing the location of the facility has been included as Figure 1.

Figure 1: Facility Location/Site Map



1335 Clifty Hollow Road
Madison, Indiana, Jefferson County

2.2 Outfall Locations

Outfall 001	Latitude: 38° 42' 54.91" Longitude: -85° 26' 51.21"
Internal Outfall 201	Latitude: 38° 44' 26.53" Longitude: -85° 24' 56.92"
Outfall 002	Latitude: 38° 43' 46.7" Longitude: -85° 26' 4.7"
Outfall 003	Latitude: 38° 44' 11.58" Longitude: -85° 25' 13.37"
Outfall 008S	Latitude: 38° 44' 20" Longitude: -85° 25' 25"
Outfall 013S	Latitude: 38° 44' 21" Longitude: -85° 25' 23"
Outfall 018S	Latitude: 38° 44' 09" Longitude: -85° 25' 16"
Outfall 028S	Latitude: 38° 44' 18" Longitude: -85° 25' 37"
Outfall 030S	Latitude: 38° 44' 13" Longitude: -85° 25' 27"
Outfall 031S	Latitude: 38° 44' 17" Longitude: -85° 25' 42"
Outfall 32S	Latitude: 38° 43' 27" Longitude: -85° 26' 57.25"

3.0 PERMIT MODIFICATION

3.1 Modification Request

Part I.D.9.c.1: Inspection of Air Pollution Control Equipment

On page 33 of the Renewal Permit, Condition I.D.9.c.1, IDEM required stormwater inspections to include inspection of the following:

air pollution control equipment (e.g., baghouses, electrostatic precipitator, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Considering monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts.

The permittee stated that the inspection of air pollution control equipment and air flow inlets and outlets are not within the purview of the NPDES program. No rules authorize the Office of Water Quality to require inspections of air pollution control equipment and air flow inlets and outlets. The Office of Air Quality requires inspection of such equipment under the authority of the rules it implements.

The permittee requested that IDEM delete the requirement in Condition I.D.9.c.1 to inspect air pollution control equipment and air flow inlets and outlets as part of stormwater inspections.

Part I.F.1.c.(2): Chemical Analysis “Accompanying” Effluent Samples

On page 44 of the Renewal Permit, Condition I.F.1.c(2), IDEM required the following:

“Chemical analysis must accompany each effluent sample taken for toxicity testing” (underline added) This condition is unclear and IKEC cannot comply with it as written.

The permittee stated that it is not physically possible for chemical analysis to accompany the taking of each effluent sample. Chemical analysis does not occur concurrently with the taking of the sample. Chemical analysis occurs after the sample is taken and then submitted to the laboratory. Chemical analysis cannot accompany each effluent sample taken.

IKEC believes IDEM meant one of the following: “chemical analysis must be conducted for each effluent sample taken for toxicity testing” or “chemical analysis must accompany the submission of the sample results for each effluent sample taken for toxicity testing.” Condition I.F.1.c(2) must be revised to clarify IDEM’s intent and provide a condition that IKEC can comply with.

3.2 IDEM’s Proposed Modification

IDEM proposes to amend Pages 1, 33 and 44 to incorporate the following changes:

Part I.D.9.c.1: Inspection of Air Pollution Control Equipment

IDEM agrees to change Part I.D.9.c.1 of the permit to read:

Each Comprehensive Site Inspection shall address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitator, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could ~~limit their efficiency and lead to~~ **contamination of stormwater runoff associated with**

~~**industrial activity** excessive emissions. Considering monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material loss due to wind or stormwater runoff.~~

Part I.F.1.c.(2): Chemical Analysis “Accompanying” Effluent Samples

IDEM agrees to change Part I.F.1.c.(2) of the permit to read:

Chemical analysis must accompany **be conducted on** each effluent sample taken for toxicity testing, including each sample taken for the repeat testing as outlined in Part I.F.1.f.(3). The chemical analysis detailed in Part I.A.2 (Outfall 002) must be conducted for the effluent sample in accordance with Part I.C.4. of this permit. **The results from these chemical analyses must be included with the full whole effluent toxicity (WET) test laboratory report submitted pursuant to Part I.F.1.e.(3).**

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

3.4 Antidegradation

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

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

3.5 Spill Response and Reporting Requirement

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

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

3.6 Permit Processing/Public Comment

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