

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240610 – IN0042391– D
DATE OF NOTICE: June 10, 2024
DATE RESPONSE DUE: July 10, 2024

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

Major Modification :

Aqua Indiana Inc. Midwest WWTP, Permit No. IN0042391, ALLEN COUNTY, 6811 Engle Road, Fort Wayne, IN. This major semipublic facility discharges 3.5 MGD of treated sanitary wastewater into an Graham McCulloch Ditch via Outfall 001. Outfall 001 is located at Latitude: 41° 02' 24" N Longitude: 85° 13' 57" W. Final solids will be hauled offsite. The permittee requests a permit modification to remove cadmium and lead limitations, reduce the monitoring frequency and remove schedule of compliance requirements for those metals since they no longer show Reasonable Potential to Exceed (RPE) according to an analysis performed by IDEM OWQ on February 2, 2024. Permit Manager: Nicholas Eilerman, 317-232-8619, neilerma@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

VIA ELECTRONIC MAIL

Robert Ervin, President
Aqua Indiana, Inc.
5750 Castle Creek Park Way N Drive
Suite 314
Indianapolis, IN 46250

Dear Mr. Ervin:

Re: Draft Modification of NPDES Permit
No. IN0042391 for the Aqua Indiana, Inc Midwest
Wastewater Treatment Plant
Allen County

Your request for permit modification, submitted April 8, 2024, has been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is the draft modification of NPDES Permit No. IN0042391 which applies to the discharge from the Aqua Indiana, Inc. Midwest Wastewater Treatment Plant (WWTP). The enclosed Pages 1, 5, 7, 13, 23 and 37 of 45 are intended to replace the corresponding pages in the facility's current permit.

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/>.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. If you have any questions concerning this modification, please contact Nicholas Eilerman at 317/232-8619 or neilerma@idem.IN.gov.

Sincerely,

Leigh Voss, Chief
Municipal NPDES Permits Section
Office of Water Quality

Enclosures

Robert Ervin, President

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cc: William A. Boetcker, Aqua Indiana, Inc.
Craig Williams, Aqua Indiana, Inc.
Nick Ferguson, Aqua Indiana, Inc.
Andrew Utz, Commonwealth Engineers Inc.

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 IDEMs authority under IC 13-15, the Indiana Department of Environmental Management (IDEM) is issuing this permit to

AQUA INDIANA, INC.

hereinafter referred to as "the permittee." The permittee owns and/or operates the **Aqua Indiana, Inc. Midwest Wastewater Treatment Plant**, a major semi-public wastewater treatment plant located at 6811 Engle Road, Fort Wayne, Indiana, Allen County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named Graham McCulloch Ditch in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

The permit, as issued on June 15, 2022 is hereby amended as contained herein. The amended provisions shall become effective on _____. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the modifications will remain in effect until the modified provisions become effective.

This permit and authorization to discharge, as amended, shall expire at midnight, July 31, 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

- a. outside the mixing zone, to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

3. Additional Discharge Limitations and Monitoring Requirements

Beginning on the effective date of the permit, the effluent from Outfall 001 shall be limited and monitored by the permittee as follows:

TABLE 3

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Chromium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]					
Interim [2]	Report	Report	mg/l	1 X Weekly	24 Hr. Comp
Final [2]	0.022	0.043	mg/l	1 X Weekly	24 Hr. Comp
Cyanide [1]	----	Report	mg/l	Quarterly	Grab
Lead [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Silver [1]1	----	Report	mg/l	Quarterly	24 Hr. Comp
Phenol [2]	----	Report	mg/l	1 X Weekly	24 Hr. Comp
Nickel [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Zinc [1]	----	Report	mg/l	Quarterly	24 Hr. Comp

NOTE: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide. Concentrations less than the Limit of Quantitation (LOQ) and greater than or equal to the Limit of Detection (LOD) shall be reported by the permittee on the discharge monitoring report forms as the actual measured value. Concentrations less than the limit of detection shall be reported on the

In addition to the requirements contained in Part I.B.2 of the NPDES permit, the permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the raw influent in accordance with 327 IAC 5-2-13(b).

TABLE 4

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Chromium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	Report	Report	mg/l	2 X Monthly	24 Hr. Comp
Cyanide [1]	----	Report	mg/l	Quarterly	Grab
Lead [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Silver [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Phenol [1]	----	Report	mg/l	1 X Weekly	24 Hr. Comp
Nickel [1]	----	Report	mg/l	Quarterly	24 Hr. Comp
Zinc [1]	----	Report	mg/l	Quarterly	24 Hr. Comp

NOTE: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide. Concentrations less than the Limit of Quantitation (LOQ) and greater than or equal to the Limit of Detection (LOD) shall be reported by the permittee on the discharge monitoring report forms as the actual measured value. Concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected and the LOD is 0.1 mg/l, report the value as < 0.1 mg/l.

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.
3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 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.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate monitoring requirements and effluent limitations for cadmium, chromium, cyanide, lead, nickel, silver, phenol, and/or zinc if the Department of Environmental Management determines that such monitoring requirements and effluent limitations are needed to assure that State Water Quality standards are met in the receiving streams.
5. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include Whole Effluent Toxicity (WET) limitations or to include limitations for specific toxicants if the results of the WET testing and/or the Toxicity Reduction Evaluation (TRE) study indicate that such limitations are necessary.

D. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

To adequately assess the effects of the effluent on aquatic life, the permittee is required by this section of the permit to conduct chronic Whole Effluent Toxicity (WET) testing. Part I.D.1. of this permit describes the testing procedures and Part I.D.2. describes the Toxicity Reduction Evaluation (TRE) which is only required if the effluent demonstrates toxicity in two (2) consecutive toxicity tests as described in Part I.D.1.f.

d. Reporting

- (1) Progress reports must be submitted every 90 days to the Compliance Data Section beginning six (6) months from the date of two (2) consecutive failed toxicity tests. Each TRE progress report must include a listing of proposed activities for the next quarter and a schedule to reduce toxicity in the effluent discharge to acceptable levels through control of the toxicant source or treatment of whole effluent.
- (2) Within 90 days of successfully completing the TRE, including the three (3) consecutive monthly tests required as part of the post-TRE toxicity testing requirements under Part I.D.2.c., the permittee must submit to the Compliance Data Section a final TRE Report that includes a discussion of the TRE results, along with the starting date established under Part I.D.2.c.(4). for the continuation of the toxicity testing required in Part I.D.1.

e. Compliance Date

The permittee must complete items a., b., c., and d. from Part I.D.2. and reduce toxicity in the effluent discharge to acceptable levels as soon as possible, but no later than three (3) years from the date that toxicity is initially demonstrated in two (2) consecutive toxicity tests (i.e. the date of the termination of the second test) as described in Part I.D.1.f.4.

E. SCHEDULE OF COMPLIANCE FOR COPPER

1. The permittee shall submit a written progress report to the Compliance Data Section, Office of Water Quality (OWQ) six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting the final requirements for copper. The final effluent limitations for copper are deferred for the term of this compliance schedule unless the final effluent limitations can be met at an earlier date. The permittee shall notify the Compliance Data Section of OWQ as soon as the final effluent limitations for copper can be met. Upon receipt of such notification by OWQ, the final limitations for copper will become effective, but no later than thirty-six (36) months from the effective date of this permit. Monitoring and reporting of effluent copper is required during the interim period.

regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any emergency incident 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 incident by calling 317/233-7745 (888/233-7745 toll free in Indiana). This number should only be called when reporting these emergency events;
- c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;
- d. Any release, including basement backups, from the sanitary sewer system (including satellite sewer systems operated or maintained by the permittee) not specifically authorized by this permit. Reporting of known releases from private laterals not caused by a problem in the sewer system owned or operated by the permittee is not required under Part II.C.3, however, documentation of such events must be maintained by the permittee and available for review by IDEM staff; or
- e. Any discharge from any outfall from which discharge is explicitly prohibited by this permit as well as any discharge from any other outfall or point not listed in this permit; or
- f. Violation of a maximum daily discharge limitation for any of the following toxic pollutants:
Copper

The permittee can make the oral reports by calling 317/232-8670 during regular business hours and asking for the Compliance Data Section, 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 five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the event and its cause; the period of occurrence, including exact dates and times, and, if the event has not concluded, the anticipated time it is expected to continue; and steps taken or planned to reduce, mitigate and eliminate the event and steps taken or planned to 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 Overflow/Incident Report" (State Form 48373) or a "Noncompliance Notification Report" (State Form 54215), whichever is appropriate, to IDEM at wwreports@idem.IN.gov. If a complete submittal is sent



National Pollutant Discharge Elimination System
Fact Sheet for
Aqua Indiana, Inc. Midwest Wastewater Treatment Plant
Draft: May 2024
Final: TBD

Indiana Department of Environmental Management

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

Permittee:	Robert Ervin, President Aqua Indiana, Inc. 5750 Castle Creek Park Way N Drive Suite 314 Indianapolis, IN 46250 reervin@aquaaamerica.com , 317/577-1390
Existing Permit Information:	Permit Number: IN0042391 Expiration Date: July 31, 2027
Facility Contact:	William A. Boetcker III, Operator waboetcker@aquaaamerica.com , 260/625-470 Ext. 55223
Facility Location:	6811 Engle Road Fort Wayne, IN 46804 Allen County
Receiving Stream:	Graham McCulloch Ditch
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modification
Date Application Received:	April 8, 2024
Facility Category:	NPDES Major Semi-Public
Permit Writer:	Nicholas Eilerman, Senior Environmental Manager neilerma@idem.in.gov , 317/232-8619

Outfall Location

Latitude: 41° 02' 24" N

Longitude: 85° 13' 57" W

Background

This is the modification of the NPDES permit for the Aqua Indiana, Inc. Midwest Wastewater Treatment Plant. The facility's current permit was effective on August 1, 2022 and has an expiration date of July 31, 2027. A request for permit modification was received from the permittee on April 8, 2024. The permittee requests a permit modification to remove cadmium and lead limitations, reduce monitoring frequency and remove schedule of compliance requirements for those metals since they no longer show Reasonable Potential to Exceed (RPE) according to an analysis performed by IDEM OWQ on February 2, 2024.

Modification

The following changes have been made for the modification of the NPDES permit:

- | | |
|---------------|---|
| Page 1 of 45 | This page has been modified to reflect the modification effective date for the permit. |
| Page 5 of 45 | This page has been modified to remove effluent limitations and reduce the monitoring frequency for cadmium and lead in Table 3. |
| Page 7 of 45 | This page has been modified to reduce the influent monitoring frequency of cadmium and lead in Table 4. |
| Page 13 of 45 | This page has been modified to update Part I.C.4 of the reopening clauses to include cadmium and lead. |
| Page 23 of 45 | This page has been modified to remove cadmium and lead from the schedule of compliance requirements in Part I.E. |
| Page 37 of 45 | This page has been modified to remove cadmium and lead from the reporting requirements in Part II.C.3.f. |

Expiration Date

The expiration date of the permit has not changed. The permit, as modified, will expire at midnight on July 31, 2027.

Permit Processing/Public Comment

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit modification 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.