STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240709 – IN0055131– D
DATE OF NOTICE: July 9, 2024
DATE RESPONSE DUE: August 8, 2024

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

Minor Modification :

South Henry Regional Waste District WWTP, Permit No. IN0055131, HENRY COUNTY, 301 South Williams Street, Lewisville, IN. This minor municipal facility has an average design flow of 0.3 MGD of treated sanitary and industrial wastewater into Flatrock River via Outfall 001. Outfall 001 is located at Latitude: 39° 48' 15" N Longitude: 85° 21' 31" W. The permittee requests a permit modification to include Non-Delegated Pretreatment Program requirements.
Permit Manager: Allie Gates, 317-232-5114, agates1@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 therationale 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
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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 9, 2024

VIA ELECTRONIC MAIL

Ms. Donna Tauber, President
South Henry Regional Waste District
P.O. Box 147
Lewisville, Indiana 47352

Dear Ms. Tauber:

Re: Draft Modification of NPDES Permit
No. IN0055131 for the South Henry Regional Waste District Wastewater Treatment Plant
Henry County

Your request for permit modification, received April 30, 2024, has been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is the draft modification of NPDES Permit No. IN0055131 which applies to the discharge from the South Henry Regional Waste District Wastewater Treatment Plant (WWTP). The enclosed Pages 9a through 9k and 30a through 30m of 30m 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/. A 30-day comment period is available in order to solicit input from interested parties, including the general public.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. If you have any questions concerning this modification, please contact Allie Gates at 317/232-5114 or agates1@idem.IN.gov.

Sincerely,

Leigh Voss

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

Enclosures
cc: Brian Mayne, Superintendent

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 13-5, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

SOUTH HENRY REGIONAL WASTE DISTRICT

hereinafter referred to as "the permittee." The permittee owns and/or operates the **South Henry Regional Waste District Wastewater Treatment Plant**, a minor municipal wastewater treatment plant located at 301 South Williams Street, Lewisville, Indiana, Henry County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named Flatrock River 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 April 28, 2021 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, August 31, 2026. 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.

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

4. 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.

1. Whole Effluent Toxicity (WET) Tests

The permittee must conduct the series of aquatic toxicity tests described below to monitor the acute and chronic toxicity of the effluent discharged from Outfall 001.

If toxicity is demonstrated in two (2) consecutive toxicity tests as described in Part I.D.1.f., with any test species during the term of the permit, the permittee is required to conduct a TRE under Part I.D.2.

a. Toxicity Test Procedures and Data Analysis

(1) All test organisms, test procedures, and quality assurance criteria used must be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, Section 11, Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test Method 1000.0, and Section 13, Daphnid (*Ceriodaphnia dubia*) Survival and Reproduction Test Method 1002.0, EPA 821-R-02-013, October 2002 (hereinafter “Chronic Toxicity Test Method”), or most recent update that conforms to the version of 40 CFR 136 incorporated by reference in 327 IAC 5. References to specific portions of the Chronic Toxicity Test Method contained in this Part I.D. are provided for informational purposes. If the Chronic Toxicity Test Method is updated, the corresponding provisions of that updated method would be applicable.

(2) Any circumstances not covered by the above methods, or that require deviation from the specified methods must first be approved by the IDEM Permits Branch.

(3) The determination of acute and chronic endpoints of toxicity (LC_{50}), NOEC, and IC_{25} values) must be made in accordance with the procedures in Section 9, "Chronic Toxicity Test Endpoints and Data Analysis" and the Data Analysis procedures as outlined in Section 11 for fathead minnow (Test Method 1000.0; see flowcharts in Figures 5, 6, and 9) and Section 13 for *Ceriodaphnia dubia* (Test Method 1002.0; see flowcharts in Figures 4 and 6) of the Chronic Toxicity Test Method. The IC_{25} value together with 95% confidence intervals calculated by the Linear Interpolation and Bootstrap Methods in Appendix M of the Chronic Toxicity Test Method must be determined in addition to the NOEC value.

b. Types of Whole Effluent Toxicity Tests

(1) The permittee must conduct a 3-brood (7-day) definitive static-renewal daphnid (*Ceriodaphnia dubia*) survival and reproduction toxicity test and a 7-day definitive static-renewal fathead minnow (*Pimephales promelas*) larval survival and growth toxicity test.

(2) All tests must be conducted using 24-hour composite samples of final effluent. Three effluent samples are to be collected on alternate days (e.g. collected on days one, three, and five). The first effluent sample will be used for test initiation and for test solution renewal on day 2. The second effluent sample will be used for test solution renewal on days 3 and 4. The third effluent sample will be used for test solution renewal on days 5, 6, and 7. If shipping problems are encountered with renewal samples after a test has been initiated, the most recently used sample may continue to be used for test renewal, if first approved by the IDEM Permits Branch, but for no longer than 72 hours after first use.

(3) The whole effluent dilution series for the definitive test must include a control and at least five effluent concentrations with a minimum dilution factor of 0.5. The effluent concentrations selected must include and, if practicable, bracket the effluent concentrations associated with the determinations of acute and chronic toxicity provided in Part I.D.1.f. Guidance on selecting effluent test concentrations is included in Section 8.10 of the Chronic Toxicity Test Method. The use of an alternate procedure for selecting test concentrations must first be approved by the IDEM Permits Branch.

(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 a fathead minnow, or more than 20% of the test organisms in 7 days, that test is

considered invalid and the toxicity tests 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.

(2) Chemical analysis must accompany each effluent sample taken for toxicity testing, including each sample taken for the repeat testing as outlined in Part I.D.1.f.3. The chemical analysis detailed in Part I.A.1. and Part I.A.2. must be conducted for the effluent sample in accordance with Part I.B.5. of this permit.

d. Toxicity Testing Frequency and duration

The toxicity tests specified in Part I.D.1.b. must be conducted once within six (6) months of the effective date of the permit. After this initial submittal, the toxicity tests must be conducted and submitted with every subsequent permit renewal application, in accordance with 327 IAC 5-2-3(h).

If a TRE is initiated during the term of the permit, after receiving notification under Part I.D.1.e., the Compliance Data Section will suspend the toxicity testing requirements above for the term of the TRE compliance schedule described in Part I.D.2. After successful completion of the TRE, the toxicity tests specified in Part I.D.1.b must be conducted once **every six (6) months**,

as calculated from the first day of the first month following successful completion of the post-TRE toxicity tests (see Part I.D.2.c(4.)) for the remainder of the permit term.

e. Reporting

(1) Notifications of the failure of two (2) consecutive toxicity tests and the intent to begin the implementation of a TRE under Part I.D.1.f.(4) must be submitted in writing to the Compliance Data Section of IDEM's Office of Water Quality.

(2) Results of all toxicity tests, including invalid tests, must be reported to IDEM according to the general format and content recommended in the Chronic Toxicity Test Method, Section 10, "Report Preparation and Test Review". However, only the results of valid toxicity tests are to be reported on the discharge monitoring report (DMR). The results of the toxicity tests and laboratory report are due by the earlier of 60 days after completion of the test or the 28th day of the month following the end of the period established in Part I.D.1.d.

(3) The full WET test laboratory report must be submitted to IDEM electronically as an attachment to an e-mail to the Compliance Data Section at wwreports@idem.IN.gov. The results must also be submitted via NetDMR.

(4) For quality control and ongoing laboratory performance, the laboratory report must include results from appropriate standard reference toxicant tests. This will consist of acute (LC_{50} values), if applicable and chronic (NOEC, LOEC, and IC_{25} values) endpoints of toxicity obtained from reference toxicant tests conducted within 30 days of the most current effluent toxicity tests and from similarly obtained historical reference toxicant data with mean values and appropriate ranges for each species tested for at least three months to one year. Toxicity test reports must also include copies of chain-of-custody records and laboratory raw data sheets.

(5) Statistical procedures used to analyze and interpret toxicity data (e.g. Fisher's Exact Test and Steel's Many-one Rank Test for 7-day survival of test organisms; tests of normality (e.g., Shapiro Wilk's Test) and homogeneity of variance (e.g., Bartlett's Test); appropriate parametric (e.g. Dunnett's Test) and non-parametric (e.g. Steel's Many-one Rank Test) significance tests and point estimates (IC_{25}) of effluent toxicity, etc.;

together with graphical presentation of survival, growth, and reproduction of test organisms), including critical values, levels of significance, and 95% confidence intervals, must be described and included as part of the toxicity test laboratory report.

(6) For valid toxicity tests, the WET test laboratory report must include a summary table of the results for each species tested, as shown in the table presented below. This table will provide toxicity test results, reported in acute toxic units (TU_a) and chronic toxic units (TU_c) for evaluation under Part I.D.1.f. and reporting on the DMR.

Test Organism [1]	Test Type	Endpoint [2]	Units	Result	Compliance Limit [6]	Pass/ Fail [7]	Reporting
Ceriodaphnia dubia	3-brood (7-day) Definitive Static-Renewal Survival and Reproduction	48-hr. LC_{50}	%	Report			Laboratory Report
			TU_a	Report			
		NOEC Survival	%	Report			
			TU_c	Report			
		NOEC Reproduction	%	Report			
			TU_c	Report			
		IC_{25} Reproduction	%	Report			
			TU_c	Report			
		Toxicity (acute) [3]	TU_a	Report [5]	1.0	Report	Laboratory Report **and NetDMR** (Parameter Code 61425)
		Toxicity (chronic) [4]	TU_c	Report [5]	2.3	Report	Laboratory Report **and NetDMR** (Parameter Code 61426)
Pimephales promelas	7-day Definitive Static-Renewal Larval Survival and Growth	96-hr. LC_{50}	%	Report			Laboratory Report
			TU_a	Report			
		NOEC Survival	%	Report			
			TU_c	Report			
		NOEC Growth	%	Report			
			TU_c	Report			
		IC_{25} Growth	%	Report			
			TU_c	Report			
		Toxicity (acute) [3]	TU_a	Report [5]	1.0	Report	Laboratory Report **and NetDMR** (Parameter Code 61427)
		Toxicity (chronic) [4]	TU_c	Report [5]	2.3	Report	Laboratory Report **and NetDMR** (Parameter Code 61428)

[1] For the WET test laboratory report, eliminate from the table any species that was not tested.

[2] A separate acute test is not required. The endpoint of acute toxicity must be extrapolated from the chronic toxicity test.

[3] The toxicity (acute) endpoint for *Ceriodaphnia dubia* is the 48-hr. LC_{50} results reported in acute toxic units (TU_a). The toxicity (acute) endpoint for *Pimephales promelas* is the 96-hr. LC_{50} result reported in acute toxic units (TU_a).

[4] The toxicity (chronic) endpoint for *Ceriodaphnia dubia* is the higher of the NOEC Survival, NOEC Reproduction, and IC_{25} Reproduction values reported in chronic toxic units (TU_c).

[5] Report the values for acute and chronic endpoints of toxicity determined in [3] and [4] for the corresponding species. These values are the ones that need to be reported on the DMR.

[6] These values do not represent effluent limitations, but rather exceedance of these values results in a demonstration of toxicity that triggers additional action and reporting by the permittee.

[7] If the toxicity result (in TU_s) is less than or equal to the compliance limit, report "Pass". If the toxicity result (in TU_s) exceeds the compliance limit, report "Fail".

f. Demonstration of Toxicity

(1) Toxicity (acute) will be demonstrated if the effluent is observed to have exceeded **1.0** TU_a (acute toxic units) for *Ceriodaphnia dubia* in 48 hours or in 96 hours for *Pimephales promelas*. For this purpose, a separate acute toxicity test is not required. The results for the acute toxicity demonstration must be extrapolated from the chronic toxicity test. For the purpose of selecting test concentrations under Part I.D.1.b.2., the effluent concentration associated with acute toxicity is 100%.

(2) Toxicity (chronic) will be demonstrated if the effluent is observed to have exceeded **2.3** TU_c (chronic toxic units) for *Ceriodaphnia* or *Pimephales promelas* from the chronic toxicity test. For the purpose of selecting test concentrations under Part I.D.1.b.2., the effluent concentration associated with chronic toxicity is 43.5%.

(3) If toxicity (acute) or toxicity (chronic) is demonstrated in any of the chronic toxicity tests specified above, a repeat chronic toxicity test using the procedures in Part I.D.1. of this permit and the same test species must be initiated within two (2) weeks of test failure. During the sampling for any

repeat tests, the permittee must also collect and preserve sufficient effluent samples for use in any Toxicity Identification Evaluation (TIE) and/or TRE, if necessary.

(4) If any two (2) consecutive chronic toxicity tests, including any and all repeat tests, demonstrate acute or chronic of toxicity, the permittee must notify the Compliance Data Section under Part I.D.1.e. within 30 days of the termination of the second test, and begin the implementation of TRE as described in Part I.D.2. After receiving notification from the permittee, The Compliance Data Section will suspend the whole effluent toxicity testing requirements in Part I.D.1. for the term of the TRE compliance schedule.

g. Definitions

(1) "Acute toxic unit" or "TU_a" is defined as $100/LC_{50}$ where the LC_{50} is expressed as a percent effluent in the test medium of an acute whole effluent toxicity (WET) test that is statistically or graphically estimated to be lethal to fifty percent (50%) of the test organism.

(2) "Chronic toxic unit" or "TU_c" is defined as $100/NOEC$ or $100/IC_{25}$, where the NOEC or IC_{25} are expressed as a percent effluent in the test medium.

(3) "Inhibition concentration 25" or "IC_{25}" means the toxicant (effluent) concentration that would cause a twenty-five percent (25%) reduction in a nonquantal biological measurement for the test population. For example, the IC_{25} is the concentration of toxicant (effluent) that would cause a twenty-five percent (25%) reduction in mean young per female or in growth for the test population.

(4) "No observed effect concentration" or "NOEC" is the highest concentration of toxicant (effluent) to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms, that is, the highest concentration of toxicant (effluent) in which the values for the observed responses are not statistically significantly different from the controls.

2. Toxicity Reduction Evaluation (TRE) Schedule

The development and implementation of a TRE is only required if toxicity is demonstrated in two (2) consecutive tests as described in Part I.D.1.f.(4). The post-TRE toxicity testing requirements in Part I.D.2.c. must also be completed as part of the TRE compliance schedule.
Milestone Dates: See a. through e. below for more detail on the TRE milestone dates.

Requirement	**Deadline**
Development and Submittal of a TRE Plan	Within 90 days of the date of two (2) consecutive failed toxicity tests.
Initiate a TRE Study	Within 30 days of TRE Plan submittal
Submit TRE Progress Reports	Every 90 days beginning six (6) months from the date of two (2) consecutive failed toxicity tests.
Post-TRE Toxicity Testing Requirements	Immediately upon completion of the TRE, conduct three (3) consecutive months of toxicity tests with both test species; if no acute or chronic toxicity is shown with any test species, reduce toxicity tests to once **every six (6) months** for the remainder of the permit term. If post-TRE toxicity testing demonstrates toxicity, continue the TRE study.
Submit Final TRE Report	Within 90 days of successfully completing the TRE (including the post-TRE toxicity testing requirements), not to exceed three (3) years from the date that toxicity is initially demonstrated in (two (2) consecutive toxicity tests).

a. Development of TRE Plan

Within 90 days of the date of two (2) consecutive failed toxicity tests (i.e. the date of termination of the second test), the permittee must submit plans for an effluent TRE to the Compliance Data Section. The TRE plan must include appropriate measures to characterize the causative toxicants and reduce toxicity in the effluent discharge to levels that demonstrate no toxicity with any test species as described in Part I.D.1.f. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Method for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/080), September 1993.

Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/081), September 1993.

(2) Toxicity Identification Evaluation: Characterization of chronically Toxic Effluents, Phase I (EPA/600/6-91/005F), May 1992.

(3) Toxicity Reduction evaluation Guidance for Municipal Wastewater Treatment Plants (EPA/833B-99-002), August 1999.

(4) Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program, U.S. EPA, March 27, 2001.

b. Conduct the TRE

Within 30 days after submittal of the TRE plan to the Compliance Data Section, the permittee must initiate the TRE consistent with the TRE plan.

c. Post-TRE Toxicity Testing Requirements

(1) After completing the TRE, the permittee must conduct monthly post-TRE toxicity tests with the two (2) test species *Ceriodaphnia dubia* and fathead minnow (*Pimephales promelas*) for a period of three (3) consecutive months.

(2) If the three (3) monthly tests demonstrate no toxicity with any test species as described in Part I.D.1.f., the TRE will be considered successful. Otherwise, the TRE study must be continued.

(3) The post-TRE toxicity tests must be conducted in accordance with the procedures in Part I.D.1. The results of these tests must be submitted as part of the final TRE Report required under Part I.D.2.d.

(4) After successful completion of the TRE, the permittee must resume the chronic toxicity tests required in Part I.D.1. The established starting date for the frequency in Part I.D.1.d. is the first day of the first month following successful completion of the post-TRE toxicity tests.

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.

PART III

NON-DELEGATED PRETREATMENT PROGRAM REQUIREMENTS

A. DEFINITIONS

The definitions contained in 327 IAC 5-17 are incorporated herein. Such definitions include, but are not limited to, the following:

1. Control Authority ("CA")

"Control authority" means the commissioner of the Indiana Department of Environmental Management.

2. Industrial User

"Industrial user" means an indirect discharger.

3. Indirect Discharger

"Indirect discharger" means a nondomestic discharger introducing pollutants into a POTW, regardless of whether the discharger is within the governmental jurisdiction of the permittee.

4. Interference

(a) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the:

(1) treatment processes or operations;

(2) sludge processes; or

(3) selected sludge:

(A) use; or

(B) disposal methods;

of a POTW.

(b) The inhibition or disruption under subsection (a) must:

(1) cause a violation of a requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; or

(2) prevent the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

(A) Section 405 of the Clean Water Act (33 U.S.C. 1345).

(B) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:

(i) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and

(ii) the rules contained in a state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).

(C) The Clean Air Act (42 U.S.C. 7401).

(D) The Toxic Substances Control Act (15 U.S.C. 2601).

5. Pass-through

"Pass through" means a discharge proceeding through a POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

6. Pretreatment requirements

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user, including applicable local limits.

7. Pretreatment standards

"Pretreatment standards" means:

a. state pretreatment standards as established in 327 IAC 5-18-8;

b. pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; and

c. national categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.

8. Publicly Owned Treatment Works ("POTW")

"Publicly Owned Treatment Works" means a treatment works owned by the State or a municipality, except that it does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or compatible industrial wastes. The term also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. "POTW" also means the municipality that has jurisdiction over the indirect discharges to and the discharges from such treatment works.

9. Significant Industrial User ("SIU")

"Significant Industrial User" or "SIU" means the following:

a. Industrial users subject to categorical pretreatment standards under 327 IAC 5-18-10.

b. An industrial user that:

(1) discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW;

(2) contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential to:

(A) adversely affect the POTW's operation;

(B) violate a pretreatment standard; or

(C) violate a requirement of 327 IAC 5-19-3.

c. The control authority may, on its own initiative or in response to a petition received from an industrial user or a POTW and in accordance with 327 IAC 5-19-3(6), determine that an industrial user is not a significant industrial user if it does not meet Part III.A.9.b.(3) of this permit.

B. PROGRAM DEVELOPMENT REQUIREMENTS

In accordance with 327 IAC 5-19-7, the permittee shall comply with the following pretreatment program requirements:

1. Within 30 days of the effective date of this permit, the permittee shall evaluate its sewer use ordinance to determine whether the following prohibitions, conditions, and requirements are included:

   a. A user of the POTW, whether or not the user is subject to national categorical standards or state, local, or any other national pretreatment standard or requirement, shall not allow the introduction of the following into the POTW:

      (1) A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the operation or performance of the POTW.

      (2) A pollutant that could create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods in 40 CFR 261.21.

      (3) A pollutant that could cause corrosive structural damage to the POTW, including a discharge with pH lower than five (5.0), unless the POTW is specifically designed to accommodate such a discharge.

      (4) A solid or viscous pollutant in an amount that could cause obstruction to the flow in a sewer or other interference with the operation of the POTW.

      (5) A pollutant, including an oxygen demanding pollutant (such as biochemical oxygen demand) released in a discharge at a flow rate or pollutant concentration that could cause interference in the POTW.

      (6) Heat in an amount that could:

         (A) inhibit biological activity in the POTW and result in interference or damage to the POTW; or

         (B) exceed forty (40) degrees Celsius or one hundred four (104) degrees Fahrenheit at the POTW treatment plant unless the commissioner, upon request of the POTW, approves alternate temperature limits.

      (7) Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin in an amount that could cause interference or pass through.

(8) A pollutant that could result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(9) A trucked or hauled pollutant, except:

(A) with the permission of the POTW; and

(B) when introduced to the POTW at a discharge point designated by the POTW.

b. Specific limits on the prohibited substances listed in Part III.B.1.a above, such that the following are limited:

(1) a pollutant contributed by an industrial user that has caused or is likely to cause interference or pass through at the receiving POTW; and

(2) the recurrence of the contributed pollutant's affect on the POTW.

c. The legal authority to:

(1) develop and enforce specific limits on prohibited substances;

(2) enter the premises of any industrial user to conduct inspections, surveillance, record review, and/or monitoring, as necessary to determine compliance with the SUO and, if applicable, any effective industrial wastewater pretreatment permit;

(3) accept or deny any new or increased discharges from any indirect discharger;

(4) immediately halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;

(5) require compliance with all applicable pretreatment standards and requirements by indirect dischargers;

(6) Impose fees, if necessary, to offset the cost incurred by the permittee for administering the pretreatment program requirements established in Part III of this permit;

(7) Impose a fine of not more than $2,500 per day, per violation for a first violation nor more than $7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B).

2. Within 90 days of the effective date of this permit, the permittee shall submit to the IDEM Office of Water Quality Pretreatment Group, either:

   a. A copy of the existing SUO, highlighting where the requirements listed in Part III.B.1 are located, and a statement certifying that the evaluation required pursuant to Part III.B.1 was conducted and that the SUO contains the requirements listed in Part III.B.1; or

   b. A copy of the existing SUO, a statement certifying that the evaluation required pursuant to Part III.B.1 was conducted, a description of the requirements listed in Part III.B.1 that are not contained in the existing SUO, and proposed modifications to the SUO that will ensure that all requirements listed in Part III.B.1 are contained in the SUO.

3. In the event that proposed modifications to the SUO submitted pursuant to Part III.B.2.b of this permit are determined to be deficient by IDEM, the permittee shall, within 30 days of receipt of written notice of the deficiencies, correct the deficiencies and resubmit the proposed modifications to the SUO to IDEM.

4. The permittee shall adopt the proposed modifications to the SUO, as approved by IDEM, within 120 days of receipt of written approval by IDEM.

5. In accordance with 327 IAC 5-18-2(b), the permittee shall, in the event that proposed modifications to the SUO pertain to the development and enforcement of specific effluent limits, provide individual notice, in writing, to persons or groups that have requested to be notified and given an opportunity to comment about the development and enforcement of specific effluent limits.

6. The permittee shall provide sufficient resources and qualified personnel to implement the pretreatment program requirements contained in Part III of this permit.

7. The permittee shall submit any significant proposed program modifications to IDEM for approval. A significant modification shall include, but not be limited to, a change in the local limitations contained in the SUO or a change in the industrial survey.

C. PROGRAM IMPLEMENTATION REQUIREMENTS

1. The permittee shall implement and enforce its SUO.

2. Within 30 days of the effective date of this permit, the permittee shall implement a program of monitoring the discharge from all SIU's, in accordance with the following minimum requirements:

    a. The permittee shall, no less than twice per calendar year, measure the volume of flow and sample and analyze the discharge from each SIU for all parameters contained in the industrial wastewater pretreatment (IWP) permit issued to the SIU by the CA, with the exception of Total Toxic Organics (TTOs), which shall be sampled and analyzed no less than once per calendar year, if contained in the IWP permit.

    b. The permittee shall, for each parameter, including flow, utilize the sample type (e.g. 24-hour composite or grab) specified in the IWP permit issued by the CA.

    c. The permittee shall collect samples at the sample location specified in the IWP Permit issued by the CA.

    d. The permittee shall utilize the analytical methods contained in the IWP Permit issued by the CA.

    e. The permittee shall sample and analyze the discharge from any IU, including an SIU with an IWP permit issued by the CA, for any parameter, as necessary to:

        (1) achieve and/or maintain compliance with the requirements of this NPDES permit; and/or

        (2) determine compliance with the requirements of the permittee's SUO.

    f. The permittee shall, in accordance with Part III.C.4 of this permit, record and maintain all sampling and analytical data at the permitted facility.

3. The permittee shall, immediately upon obtaining the required legal authority, implement a program of inspecting all SIU's, in accordance with the following minimum requirements:

    a. The permittee shall, no less than once annually, inspect each SIU.

    b. The permittee shall, during each inspection conducted pursuant to Part III.C.3.a, evaluate areas including, but not limited to, the following:

        (1) pretreatment system(s);

        (2) spill reporting and response procedures;

(3) sampling location; and

(4) disposal of sludge and other wastestreams not regulated by the IWP permit issued by the CA.

c. The permittee shall inspect any IU, including an IU with an IWP permit issued by the CA, as necessary to:

(1) achieve and/or maintain compliance with the requirements of this NPDES permit; and/or

(2) determine compliance with the requirements of the permittee's SUO.

d. The permittee shall, for each inspection conducted pursuant to Part III.C.3.a, complete a report, utilizing an inspection report form that is at least equivalent to the form that is available from the IDEM Pretreatment Group.

e. The permittee shall, in accordance with Part III.C.4 of this permit, maintain at the permitted facility, copies of all inspection reports.

4. The permittee shall establish a file for each SIU that includes, but is not necessarily limited to:

a. A copy of the IWP permit issued by the CA;

b. Information and data pertaining to and resulting from the sampling and analysis required pursuant to Part III.C.2 of this permit. Such information and data shall, for each sample or measurement taken, include, but not necessarily be limited to:

(1) the date, exact place and time of sampling or measurement;

(2) the name of the person(s) who performed the sampling or measurement;

(3) the sample type utilized;

(4) the date(s) and time(s) analyses were performed;

(5) the analytical techniques or methods used; and

(6) the results of such measurements and analyses.

c. Copies of all inspection reports required pursuant to Part III.C.3 of this permit and;

d. Copies of all documents (including correspondence and discharge monitoring reports) relating to the SIU and/or the IWP permit issued by the CA.

5. The permittee shall retain, at the wastewater treatment plant, all records required pursuant to Part III.C.4 of this permit, for a minimum of three (3) years and shall make such records available for inspection and copying by IDEM or the U.S. EPA in accordance with 327 IAC 5-16-5(d). This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the pretreatment program or when requested by IDEM or the U.S. EPA.

6. Within 90 days of the effective date of this permit, the permittee shall develop and submit a Enforcement Response Plan (ERP) to the IDEM Office of Water Quality Pretreatment Group.

   The ERP shall contain, at the minimum, the following:

   a. Categories of noncompliance, including a category for noncompliance considered to be “significant noncompliance” pursuant to 327 IAC 5-17-24;

   b. A description of the types of violations included within each identified category of noncompliance;

   c. A narrative description of each enforcement response;

   d. An enforcement response guide which discusses the policies and criteria for evaluating violations and deciding the appropriate enforcement response.

   The permittee shall, within 60 days of submitting its ERP to IDEM, implement the ERP, unless written objection is made by IDEM. In the event that written objection is made by IDEM, the permittee shall revise the ERP as necessary to resolve the objection(s) made by IDEM, and shall resubmit the ERP to IDEM within 15 days of receipt of the written objection(s). The permittee shall, within 60 days of re-submitting its ERP to IDEM, implement the ERP.

   An ERP guidance document may be obtained from the IDEM Pretreatment Group.

6. For permittee’s with an existing IDEM approved, ERP, the permittee shall submit a statement certifying that the ERP contains the requirements in a-d below and the permittee is implementing the ERP as approved to the IDEM Office of Water Quality Pretreatment Group within 90 days of the effective date of this permit.

For permittee's without an existing IDEM approved ERP, the permittee shall develop and submit, within 90 days of the effective date of this permit, an ERP to the IDEM Office of Water Quality Pretreatment Group.

The ERP shall contain, at the minimum, the following:

a. Categories of noncompliance, including a category for noncompliance considered to be "significant noncompliance" pursuant to 327 IAC 5-17-24;

b. A description of the types of violations included within each identified category of noncompliance;

c. A narrative description of each enforcement response;

d. An enforcement response guide which discusses the policies and criteria for evaluating violations and deciding the appropriate enforcement response.

An ERP guidance document may be obtained from the IDEM Pretreatment Group.

7. In the event that the permittee is or should be aware of any activity or other circumstances, including wastewater treatment plant operational conditions, that the permittee has reason to believe may result in noncompliance with permit requirements, the permittee shall:

   a. Immediately upon becoming aware of the activity or other circumstances, take all reasonable steps to cease or eliminate the activity or other circumstances;

   b. Immediately upon becoming aware of the activity or other circumstances and continuing until such time as such activity or other circumstances cease or are eliminated, sample and analyze the wastewater entering the wastewater treatment plant, the wastewater from intermediate unit treatment processes, and the discharge from [Outfall 001] for the pollutants identified in this NPDES permit as well as any pollutants suspected of interfering with WWTP operation;

   c. Immediately upon becoming aware of the activity or other circumstances, notify the Compliance Data Section of the Office of Water Quality.

   d. Immediately upon becoming aware of the activity or other circumstances, notify industrial users;

   e. Immediately upon becoming aware of the activity or other circumstances, halt or prevent any trucked or hauled pollutants from being introduced into the POTW; and

f. Immediately upon becoming aware of the activity or other circumstances, halt or prevent the discharge from any indirect discharger, including any SIU, that the permittee has reason to believe may cause or contribute to interference with POTW operations or noncompliance with permit requirements.

8. The permittee shall notify the Office of Water Quality's Compliance Data Section of any violation by any indirect discharger that constitutes "significant noncompliance" pursuant to 327 IAC 5-17-24, within ten days of becoming aware of the significant noncompliance. The permittee shall provide a copy of all correspondence between any indirect discharger and the permittee to the IDEM Pretreatment Group regarding the significant noncompliance.

9. The permittee shall conduct an industrial survey at a minimum frequency of once every two (2) years. The industrial survey shall consist of, but not be limited to, requiring all industrial users (IU's), discharging wastewater other than sanitary, non-contact cooling water, boiler blowdown, or compressor condensate, to complete and return the survey form attached to this permit. The permittee shall utilize the completed survey forms to identify changes in operations and/or volume and nature of the discharge from each IU. The permittee shall include copies of the completed survey forms, along with a written description of the identified changes in operations and/or volume and nature of the discharge from each IU, with the Annual Report required pursuant to Part III.C.12.

10. The permittee shall notify the IDEM Pretreatment Group of any IU proposing a new discharge of process wastewater to the POTW that meets any of the following conditions:

    a. The industrial user is subject to categorical pretreatment standards under 327 IAC 5-18-10.

    b. The industrial user:

        (1) proposes to discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW;

        (2) would contribute a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or,

        (3) would have a reasonable potential to:

            (A) adversely affect the POTW's operation;

            (B) violate a pretreatment standard; or

(C) violate a requirement of 327 IAC 5-19-3.

The permittee shall not allow the proposed discharge until the industrial user obtains authorization from IDEM, and in the event that IDEM determines that a pretreatment permit or a pretreatment permit modification is necessary, the effective date of a pretreatment permit or pretreatment permit modification issued by IDEM.

11. The permittee shall sample and analyze the POTW's final sludge during the first and third calendar quarter or the second and fourth calendar quarter of each year for the following parameters: cadmium, copper, lead, mercury, molybdenum, nickel, and zinc. The permittee shall analyze the samples using 40 CFR 503, SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods."

    The permittee shall report the analytical results in mg/kg on a dry weight basis and shall report the results on the Non-Delegated Pretreatment Sludge Discharge Monitoring Report (DMR).

12. The permittee shall submit an annual report to the IDEM Pretreatment Group by April 1 of each year that includes:

    a. A summary of the results of the industrial user survey conducted by the permittee, including a description of changes in operations of and/or discharges from each IU.

    b. A copy of the completed industrial user survey forms.

    c. A summary of the compliance status of each IU for the prior calendar year;

    d. A summary of the IU inspections conducted by the permittee during the prior calendar year, including a description of any deficiencies or violations found during the inspections;

    e. A summary of the IU discharge monitoring conducted by the permittee during the prior calendar year, including analytical results that indicate a violation of an applicable IWP permit or the SUO;

    f. A summary of enforcement activities conducted by the permittee during the prior calendar year;

    g. An evaluation of the pretreatment program, including:

        (1) Program effectiveness as measured by the impact of discharges from IUs on the operation/ performance of the POTW.

(2) The adequacy of the local SUO and local limits;

(3) The adequacy of resources, including personnel, training, equipment, and laboratory;

(4) The need for program modifications to improve program effectiveness.

13. The permittee shall prohibit the introduction of trucked or hauled pollutants into the POTW, except under the following conditions:

a. The permittee has provided prior written permission to the person seeking to discharge the hauled or trucked pollutants into the POTW;

b. The person seeking to discharge the hauled or trucked pollutants into the POTW possesses a valid wastewater management permit and valid vehicle licenses, as required by IDEM;

c. The pollutants are introduced into the POTW via a discharge point designated by the permittee.

14. In the event that the permittee allows the introduction of trucked or hauled pollutants under the conditions specified in item 13 above, the permittee shall:

a. Obtain and retain, for a minimum of forty-eight hours, samples that are representative of the hauled or trucked pollutants;

b. Analyze the samples obtained pursuant to item “a” above in the event that the permittee believes or has reason to believe that the hauled or trucked pollutants may be causing and/or contributing to pass-through and/or interference;

c. Maintain records, for each discharge of trucked or hauled pollutants into the POTW, of the following:

(1) Name of the person discharging the trucked or hauled pollutants;

(2) Wastewater management permit number (if applicable) and vehicle license number and expiration date;

(3) Origination, volume, and nature of the trucked or hauled pollutants;

(4) Date and time of the discharge;

(5) Any sampling conducted;

(6) Analytical Results, if any.

National Pollutant Discharge Elimination System
Briefing Memo for
South Henry Regional Waste District
Wastewater Treatment Plant
Draft: June 2024
Final: TBD

Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027

Permittee:	South Henry Regional Waste District Ms. Donna Tauber, Board President P.O. Box 147 Lewisville, Indiana 47352 donnatauber@gmail.com, (765) 987-8432
Existing Permit Information:	Permit Number: IN0055131 Expiration Date: August 31, 2026
Facility Contact:	Brian Mayne, Superintendent bmayne@shrwd.org, (765) 987-8432
Facility Location:	301 South Williams Street Lewisville, Indiana Henry County
Receiving Stream:	Flatrock River
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modification
Date Application Received:	April 30, 2024
Facility Category:	NPDES Minor Municipal
Permit Writer:	Allie Gates, Senior Environmental Manager agates1@idem.in.gov, (317) 232-5114

Outfall Location	Latitude:	39° 48' 15" N
	Longitude:	85° 21' 31" W

Background

This is the modification of the NPDES permit for the South Henry Regional Waste District (SHRWD) Wastewater Treatment Plant (WWTP). The facility's current permit was effective on September 1, 2021 and has an expiration date of August 31, 2026. A request for permit modification was received from the permittee on April 30, 2024. The permittee requests a permit modification due to the acceptance of wastewater from a new industrial source, Draper Inc. Draper Inc. manufactures audio-visual screens, gym equipment, and window shades for commercial and residential locations. A pretreatment permit (INP000738) was issued to Draper Inc. for the discharge of 0.81 MGD of process wastewater to the South Henry RWD WWTP on May 30, 2024. An analysis of the industrial process wastestream and the most recent 12-month average flows from the SHRWD WWTP determined Whole Effluent Toxicity Testing (WETT) requirements and Non-Delegated Pretreatment Program requirements will be added to the permit. WETT is required to be conducted once within six months of the effective date of this permit modification and with every subsequent permit renewal application.

Modification

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

Page 1 of 30m	This page has been modified to reflect the modification effective date for the permit.
Pages 9a-9k of 30m	These pages have been modified to include Part I.D. which describes WETT requirements and a reopening clause related to the WETT requirements.
Pages 30a-30m of 30m	These pages have been modified to include Part III Non-Delegated Pretreatment Program requirements.

Expiration Date

The expiration date of the permit has not changed. The permit, as modified, will expire at midnight on August 31, 2026.

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.