

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO 20240719 – IN0001210– D
DATE OF NOTICE: July 19, 2024
DATE RESPONSE DUE: August 19, 2024

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

Major – Modification:

Arconic US LLC, Permit No. IN0001210, TIPPECANOE COUNTY, 3131 E Main Street, Lafayette IN. This facility engages in the production of a variety of formed aluminum products serving an international market. The permittee has replaced their tricking filter WWTP with a new Industrial Naturally Engineered Wetlands Treatment (iNEWT) system. Internal Outfall 101 has been decommissioned and replaced by internal Outfall 102. The facility has an average discharge of 0.29 MGD of process wastewater via Outfall 001. Outfall 001 Sampling Location is located at Latitude: 40° 23' 45" N, Longitude: 86° 51' 34" W. Internal Outfall 102 is located at Latitude: 40° 24' 6", Longitude: 86° 52' 2" W. Outfall 001 is located at Latitude: 40° 22' 49" N, Longitude: -86° 51' 35" W. All outfalls discharge into Elliot Ditch to Wea Creek to the Wabash River. Permit Manager: Matt Warrener, 317/233-0798, mwarrene@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 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

July 19, 2024

Mr. James Tyler, Environmental Manager
Arconic US LLC
3131 East Main Street
Lafayette, IN 47905

Dear Mr. Tyler:

Re: NPDES Permit No. IN0001210
Draft Permit Modification
Arconic US LLC
Lafayette, IN 47905 – Tippecanoe 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 Matt Warrener of my staff, at 317-233-0798 or mwarrene@idem.in.gov.

Sincerely,

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

Enclosures

cc: Tippecanoe County Health Department
Ms. Joyce Casillas, Certified Operator
Chief, Permits Section, U.S. EPA, Region 5
Ms. Maggie Kroeger, IDEM inspector

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,

ARCONIC US LLC

is authorized to discharge from the aluminum manufacturing facility located at 3131 East Main Street, Lafayette, Indiana, Tippecanoe County to receiving waters named Elliot Ditch to Wea Creek to Wabash River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

The permit, as issued on July 10th, 2024 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 June 29th, 2029. 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

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge from the outfall listed below in accordance with the terms and conditions of this permit. The permittee is authorized to discharge from Outfall 001, located at Latitude 40° 22' 49", Longitude -86° 51' 35". The discharge is limited to waters and wastewaters from internal Outfall 102, site storm water and authorized non-storm water discharges identified in Part I.D.4.j., fire hydrant flushing, condensate, contaminated and uncontaminated ground water, minor leakage from cooling towers, contaminated stormwater, well water sources, quench tank wastewaters, contact and noncontact cooling waters, miscellaneous facility drains that may collect wastewaters from minor maintenance activities and potential incidental residues from spills and remediation activities, and heat treatment wastewater. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Elliot Ditch. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2][14]
 Outfall 001

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	----	----	----	5 X Weekly	24 Hr. Total
O & G	Report	Report	lbs/day	10	15	mg/l	2 X Weekly	Grab
CBOD ₅ [17]	Report	Report	lbs/day	Report	Report	mg/l	2 X Weekly	24-Hr. Comp.
TSS [8][17][19]	Report	Report	lbs/day	20	30	mg/l	3 X Weekly	24-Hr. Comp.
Zinc [4]	Report	Report	lbs/day	0.20	0.44	mg/l	2 X Weekly	24-Hr. Comp.
PCBs [5]	Report	Report	lbs/day	0.0008	0.0019 [6]	ug/l	3 X Weekly [9]	24-Hr. Comp.
Temperature [16]	----	----	----	----	Report	°F	1 X Weekly	Grab
Chloride	Report	Report	lbs/day	370	740	mg/l	2 X Weekly	24-Hr. Comp.
Mercury [6]	Report	Report	lbs/day	Report	Report	mg/l	2 X Annually	Grab
Lithium [15]	Report	Report	lbs/day	Report	Report	mg/l	2 X Monthly	24-Hr. Comp.
Total Cyanide [4][6][7]	Report	Report	lbs/day	Report	Report	mg/l	2 X Weekly [12]	Grab
Aluminum [17]	Report	Report	lbs/day	Report	Report	mg/l	1 X Weekly	24-Hr. Comp.
Vanadium [7][17][18]	Report	Report	lbs/day	Report	Report	mg/l	2 X Monthly	24-Hr. Comp.
Precipitation [10][11]	----	Report	in./day	----	----	----	Daily	Gauge
Whole Effluent Toxicity Testing [13]								

2. The permittee is authorized to discharge from internal Outfall 102, located at Latitude 40° 24' 6", Longitude 86° 52' 2". The discharge is limited to process wastewater, sanitary wastewater, drainage and blowdown from contact and non-contact cooling waters, water discharge and leakages from various manufacturing equipment including hydraulic systems, cutting areas, machining areas, extrusion operations, etc.; miscellaneous maintenance activities, wastewater from various shops and support services, authorized storm water discharges to include contaminated stormwater condensate and authorized non-storm water discharges identified in Part I.D.4.j., contaminated and uncontaminated groundwater, potable water and line flushings, cooling tower mist, well water, industrial stormwater etc.; laboratory wastewater, various truck-shop activities; cleaning of stationary and mobile equipment; various floor and pavement washdowns including the aluminum-lithium casting area; boiler blowdown; quench waters; cleanup wastewater from spill remediation activities including broken hydraulic lines, leaking pipe etc.; water softener backwash including backwash from aluminum-lithium facility; authorized contaminated and uncontaminated stormwater from the aluminum-lithium area (containments, basement, groundwater, contact and non-contact cooling water); and pumper-truck wastewater from the removal of stormwater or contaminated wastewater from the various production areas. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the storm sewer and prior to commingling with noncontact or contact wastewaters or additional stormwater. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1][2][3][15]
 Internal Outfall 102

Table 3

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	----	----	----	5 X Weekly	24 Hr. Total
O & G	21.80	34.06	lbs/day	Report	Report	mg/l	1 X Quarterly [6]	Grab
CBOD ₅ [14]	Report	Report	lbs/day	20	30	mg/l	2 X Weekly	24-Hr. Comp.
TSS [14]	33.98	67.95	lbs/day	Report	Report	mg/l	3 X Weekly	24-Hr. Comp.
TRC [7][8]	Report	Report	lbs/day	0.01	0.02	mg/l	3 X Weekly	Grab
T. Chromium [5]	0.19	0.45	lbs/day	Report	Report	mg/l	2 X Weekly	24-Hr. Comp.
Chloride	Report	Report	lbs/day	Report	Report	mg/l	2 X Weekly	24-Hr. Comp.
Zinc [5]	0.60	1.43	lbs/day	Report	Report	mg/l	1 X Quarterly [6]	24-Hr. Comp.
T. Cyanide [5][7][12]	0.12	0.29	lbs/day	Report	Report	mg/l	1 X Quarterly [6][13]	Grab
Aluminum [5][14]	Report	Report	lbs/day	0.12	0.29	mg/l	1 X Weekly	24-Hr. Comp.
Vanadium [7][14][16]	Report	Report	lbs/day	Report	Report	mg/l	2 X Monthly	24-Hr. Comp.
<i>E. coli</i> [9]	----	----	----	125 [10]	235 [11]	cfu/100 ml	2 X Weekly	Grab

Table 4

Parameter	Quality or Concentration				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
pH [4]	6.0	----	9.0	s.u.	2 X Weekly	Grab

- [1] Sampling for parameters at internal Outfall 102 and Outfall 001 should occur on the same day.
- [2] See Part I.B. of the permit for the minimum narrative limitations.
- [3] In the event that a new water treatment additive is to be used that will contribute to this Outfall, or changes are to be made in the use of water treatment additives, including dosage, the permittee must apply for and receive approval from IDEM prior to such discharge. Discharges of any such additives must meet Indiana water quality standards. The permittee must apply for permission to use water treatment additives by completing and submitting State Form 50000 (Application for Approval to Use Water Treatment Additives) currently available at: <https://www.in.gov/idem/forms/idem-agency-forms/>.
- [4] If the permittee collects more than one grab sample on a given day for pH, the values shall not be averaged for reporting daily maximums or daily minimums. The permittee must report the individual minimum and the individual maximum pH value of any sample during the month on the Monthly Monitoring Report form.
- [5] The permittee shall measure and report the identified metal in total recoverable form.
- [6] Samples shall be taken once at any time during each of the four annual quarters:
 - (A) January-February-March;
 - (B) April-May-June;
 - (C) July-August-September; and
 - (D) October-November-December.

For quarterly monitoring, in the first quarter for example, 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.

- [7] The following EPA approved test methods and associated LODs and LOQs are to be used in the analysis of the effluent samples. Alternative methods may be used if first approved by IDEM and EPA, if applicable.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Chlorine, Total residual	4500-Cl D-2000, E-2000 or G-2000	0.02 mg/l	0.06 mg/l
Cyanide, Total	335.4, Rev. 1.0 (1993) or 4500-CN E-1999	5 µg/l	16 µg/l
Cyanide, Total	Kelada-01	0.5 µg/l	1.6 µg/l
Vanadium, Total	200.8, revision 5.4 (1994)	2.5 µg/l	8.0 µg/l
**Free cyanide shall be reported as free cyanide but measured using one of the EPA approved test methods above for available cyanide.			

Case-Specific LOD/LOQ

The permittee may determine and use a case-specific LOD or LOQ using the analytical method specified above, or any other analytical method which is approved by the Commissioner, and EPA if applicable, prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

- [8] The effluent limit for TRC is less than the limit of quantitation (LOQ) as specified in Footnote [4] above. Compliance with this permit will be demonstrated if the effluent concentrations measured are less than the LOQ (0.06 mg/l).
- [9] The *E. coli* limitations and monitoring requirements apply from April 1 through October 31 annually.
- [10] The monthly average *E. coli* value shall be calculated as a geometric mean. Per 327 IAC 5-10-6, the concentration of *E. coli* shall not exceed one hundred twenty-five (125) cfu or mpn per 100 milliliters as a geometric mean of the effluent samples taken in a calendar month. No samples may be excluded when calculating the monthly geometric mean.
- [11] If less than ten samples are taken and analyzed for *E. coli* in a calendar month, no samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. However, when ten (10) or more samples are taken and analyzed for *E. coli* in a calendar month, not more than ten percent (10%) of those samples may exceed two hundred thirty-five (235) cfu or mpn as a daily maximum. When calculating ten percent, the result must not be rounded up. In reporting for compliance purposes on the Discharge Monitoring Report (DMR) form, the permittee shall record the highest non-excluded value for the daily maximum

- [12] Sample preservation procedures and maximum allowable holding times for total cyanide, or available (free) cyanide are prescribed in Table II of 40 CFR Part 136. Note the footnotes specific to cyanide. Preservation and holding time information in Table II takes precedence over information in specific methods or elsewhere.
- [13] The permittee may qualify for reduced monitoring for total cyanide in accordance with the conditions found in 40 CFR 467.03(a). In order to receive reduced monitoring, the first wastewater sample of each calendar year (first sampling period in January) must be analyzed and found to contain less than 0.07 mg/l cyanide. If the sample result falls below 0.07 mg/L, the permittee will not need to sample for cyanide until the following calendar year. See Part I.G. below.
- [14] Samples for this parameter must be collected concurrently at both outfalls.
- [15] Updates to the above effluent limitations/monitoring requirements may be incorporated following the re-direction of the Al-Li wastestream and/or the implementation of additional process changes.
- [16] The permittee must investigate and identify sources of vanadium contributing to the discharge. Within 18 months of the effective date of the permit renewal issued on July 10th, 2024, the permittee must submit a report to IDEM which identifies the sources of Vanadium attributable to the discharge, as well as any planned activities for reducing Vanadium in the discharge.



National Pollutant Discharge Elimination System
Fact Sheet for
Arconic US LLC
Draft modification: July 2024
Final modification: 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:	Arconic US LLC 3131 E. Main Street Lafayette, IN 47905
Existing Permit Information:	Permit Number: IN0001210 Expiration Date: October 31, 2023
Facility Contact:	Joyce Casillas, Certified Operator 219-836-1000 joyce.casillas@eptconsultants.com
Facility Location:	3131 E. Main St. Lafayette, IN 47905 Tippecanoe County
Receiving Stream:	Elliot Ditch to Wea Creek to Wabash River
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modify
Date Application Received:	May 29, 2024
Source Category	NPDES Major – Industrial
Permit Writer:	Matt Warrenner, Permit Writer 317-233-0798 mwarrene@idem.in.gov

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1.0 INTRODUCTION

The Indiana Department of Environmental Management (IDEM) received a request from Arconic US LLC on May 29, 2024 to modify National Pollutant Discharge Elimination System (NPDES) Permit IN0001210. The current five year permit was issued with an effective date of August 1, 2024 in accordance with 327 IAC 5-2-6(a).

The Federal Water Pollution Control Act (more commonly known as the Clean Water Act), as amended, (Title 33 of the United States Code (U.S.C.) Section 1251 et seq.), requires an NPDES permit for the discharge of pollutants into surface waters. Furthermore, Indiana law requires a permit to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works. This proposed permit action by IDEM complies with and implements these federal and state requirements.

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 July 10th, 2024.

2.0 FACILITY DESCRIPTION

2.1 General

Arconic US LLC is classified under Standard Industrial Classification (SIC) Code 3354 - Aluminum Extruded Products, (SIC) Code 3341 – Secondary Smelting and Refining of Nonferrous Metals, and (SIC) Code 3355 – Aluminum Rolling and Drawing.

Arconic US LLC Lafayette Operations began operations in 1937 and is engaged in the production of a variety of formed aluminum components serving an international market. Primary production processes at the facility include ingot casting, extrusion and cold drawn tube production. Dies and associated tooling for extrusion and tube production are designed and manufactured at the facility. Finishing operations associated with extrusion include stretching, sawing, heat treating and annealing. Tube production at the facility involves the cold drawing of extruded tube. In 2014, an Aluminum-Lithium Cast House addition was constructed to create high strength, low weight aluminum-lithium alloys.

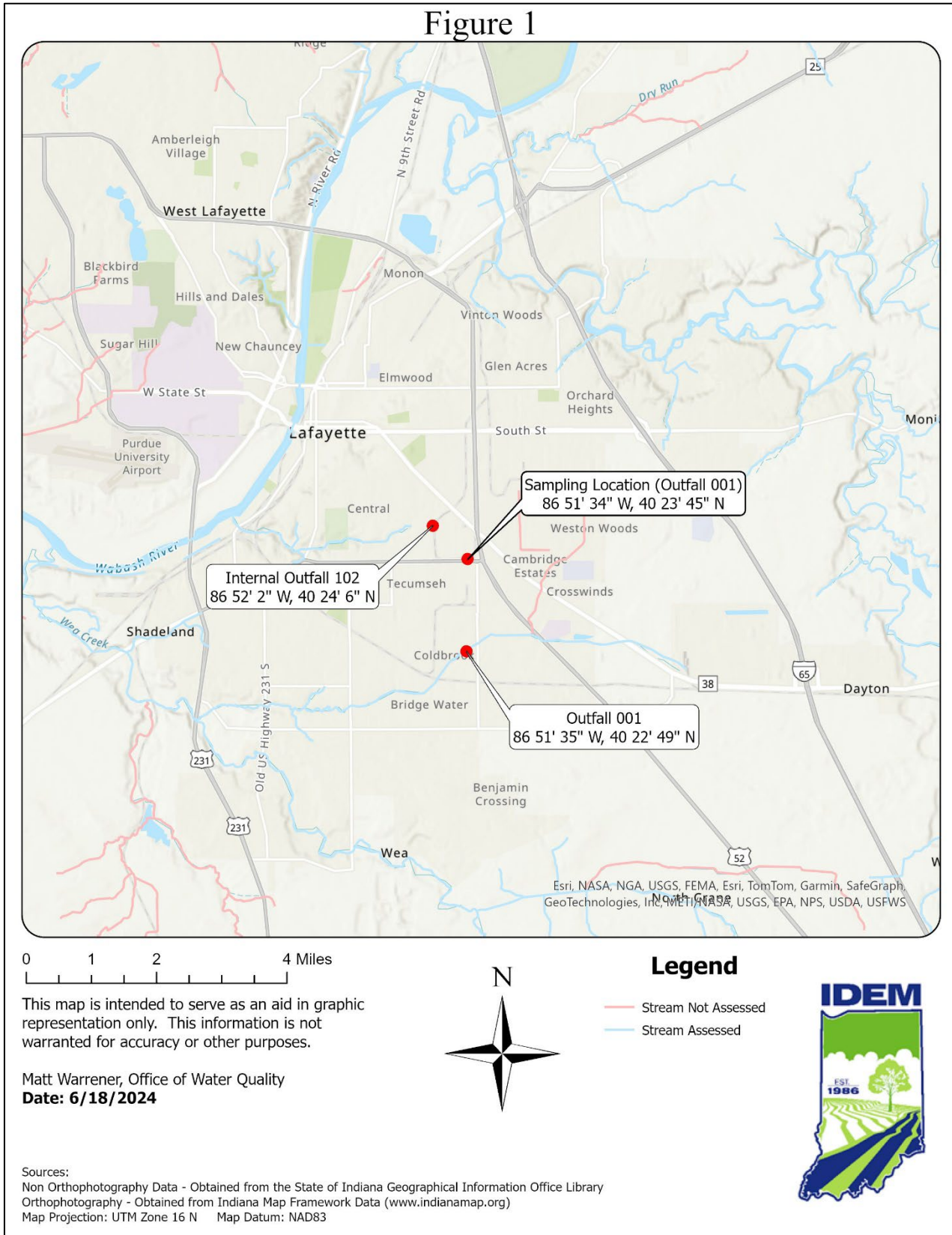
Ingots for extrusion and tube production are cast from eight (8) melting complexes supplied with aluminum stock purchased from other Arconic facilities as well as internal and external

aluminum scrap. The ingots range in size from six (6) to forty-one (41) inches in diameter. The aluminum extrusion and drawn tube facility utilizes thirteen (13) extrusion presses ranging in size from nine-hundred (900) to fifteen-thousand (15,000) tons. Finishing operations associated with extrusion include stretching, sawing, annealing, and heat treating. Tube production involves the cold drawing of extruded tube.

The source water for industrial operations primarily consists of groundwater from on-site wells; a small portion of treated water from the City of Lafayette is used for Aluminum-Lithium production. Treated water from the City of Lafayette is used for domestic use and fire protection.

A map showing the location of the facility has been included as Figure 1.

Figure 1: Facility Location



3131 East Main Street
Lafayette, IN – Tippecanoe County

2.2 Outfall Locations

Internal Outfall 102	Latitude: 40° 24' 6" N Longitude: 86° 52' 2" W
Outfall 001	Latitude: 40° 22' 49" N Longitude: 86° 51' 35" W
Outfall 001 Sampling Location	Latitude: 40° 23' 45" N Longitude: 86° 51' 34" W

In previous iterations of this permit, the coordinates displayed for Outfall 001 were the coordinates for the sampling location for Outfall 001 rather than the actual outfall location. This permit includes the coordinates for both Outfall 001 and the sampling location for Outfall 001.

Internal Outfall 101 has been decommissioned; therefore the coordinates for internal Outfall 101 have been removed. Internal Outfall 102 will serve as the new internal outfall at this facility.

3.0 PERMIT MODIFICATION

3.1 Modification Request

The permittee has requested the permit be updated to reflect the following changes:

- 1) The tricking filter WWTP has been decommissioned and replaced by the new Industrial Naturally Engineered Wetlands Treatment (iNEWT) system.
- 2) Internal Outfall 101 has been decommissioned and replaced by internal Outfall 102.

Updated Water Balance Diagrams which illustrate the new internal outfall and iNEWT system have been included as Figure 2 and 3.

Figure 2: Water Balance Diagram – Proposed Condition

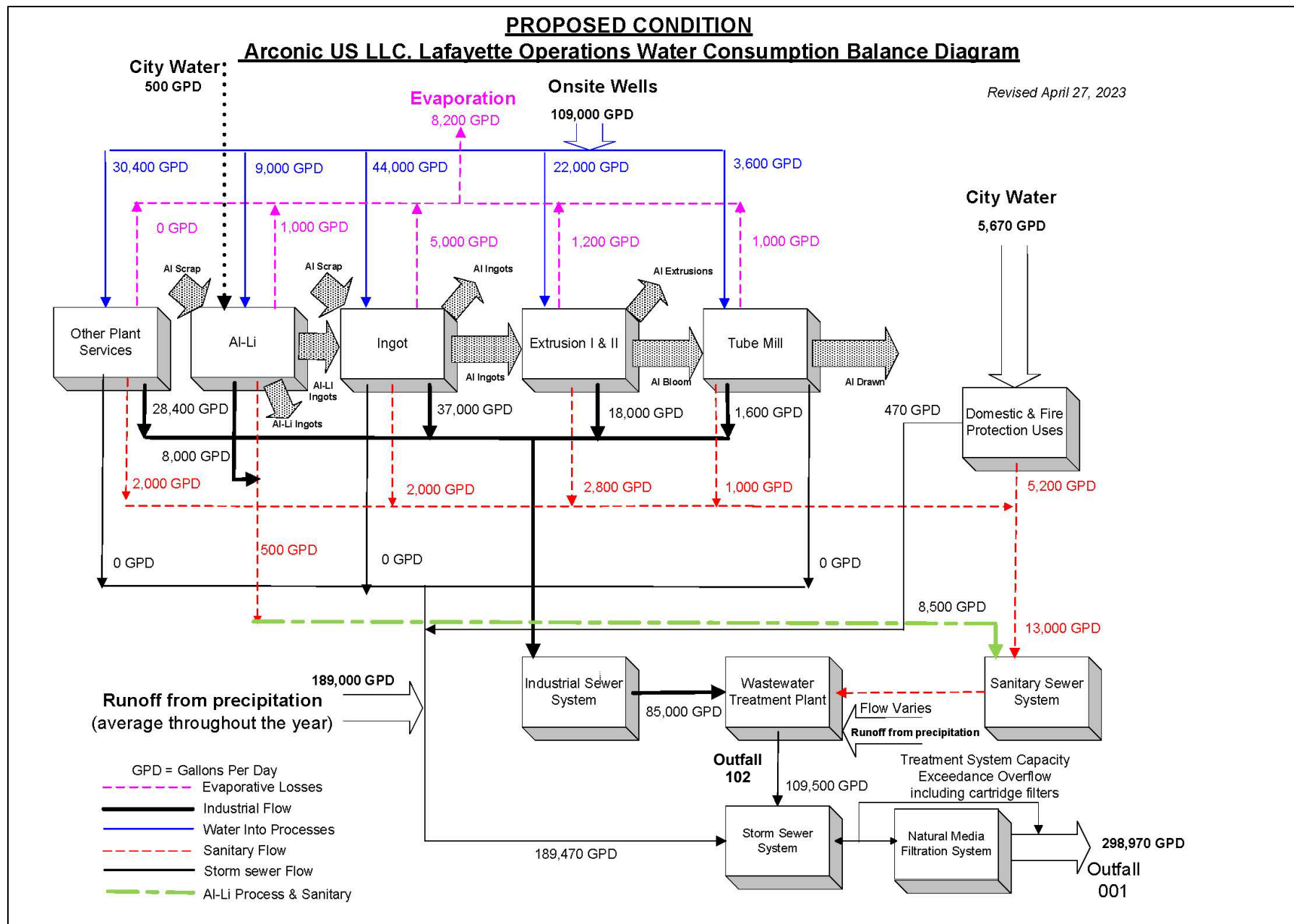
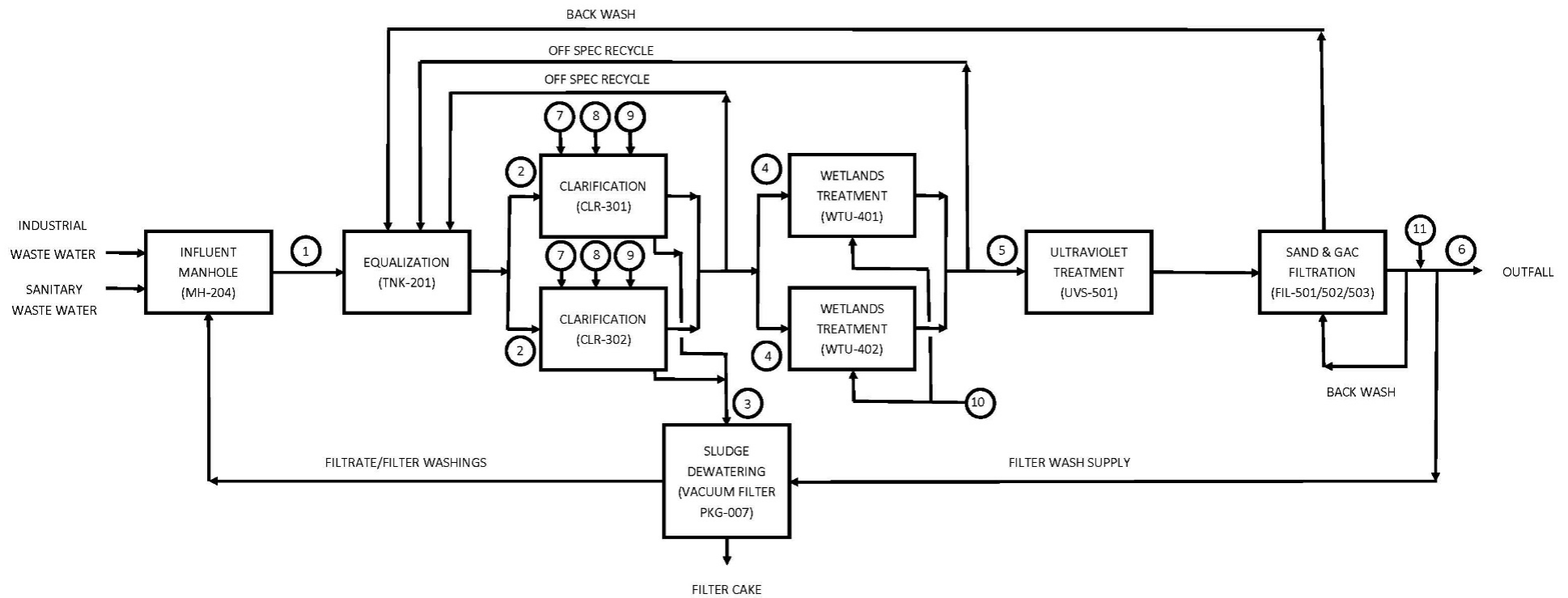


Figure 3: Industrial Naturally Engineered Wetlands Treatment (iNEWT) System Flow Schematic



FLOW TABLE

STREAM NO.	1	2	3	4	5	6	7	8	9	10	11
STREAM NAME	Equalization Tank Influent	Clarifier Influent	Clarifiers Under-flow	iNEWT Cell Influent	iNEWT Cells Effluent	iNEWT WWTP Outfall	Ferric Chloride Addition	Magnesium Hydroxide Addition	Flocculant Polymer Addition	Digestion Air Supply (cfm)	Sodium Bisulfite Addition
MIN FLOW (gpm)	60	40	5	35	75	75	0.027	0.135	0.166	410	0.003
MAX FLOW (gpm)	1200	87	10	77	165	165	0.045	0.225	0.288	410	-

DATE: 2/19/2024

iNEWT PROCESS DESIGN BASIS

A9NW-100-25-DBD-001_R2

3.2 IDEM's Proposed Modification

IDEM has reviewed the proposed modification request and has agreed to modify NPDES Permit No. IN0001210 to reflect the operational changes described in Section 3.1 above. Following the issuance of this modification, the permittee will report internal discharges from the new internal outfall (internal Outfall 102) on the DMRs/MMRs. No changes have been made to the monitoring conditions and/or limits; these have been carried forward from the previous permit.

In the previous permit, the facility was given a Class C classification based on the use of a trickling filter wastewater treatment system. This facility has been upgraded to Class D in accordance with 327 IAC 5-23-4 and 5-23-5. The permittee shall have the wastewater treatment facilities under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-23-6.

3.3 Antibacksliding

Indiana's prohibitions on backsliding under 327 IAC 5-2-10(a)(11) are applicable to BPJ case-by-case technology-based effluent limitations, when proposed to be increased based on subsequently promulgated effluent guidelines under Section 304(b) of the CWA, and limitations based on Indiana water quality standards or treatment standards (327 IAC 5-10). Prohibitions on other types of backsliding (e.g., backsliding from limitations derived from effluent guidelines, from existing case-by-case limitations to new case-by-case limitations, and from conditions such as monitoring requirements that are not effluent limitations) are covered under federal regulation at 40 CFR 122.44(l)(1).

Under 327 IAC 5-2-10(a)(11), unless an exception under 327 IAC 5-2-10(a)(11)(B) 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. For effluent limitations based on Indiana water quality or treatment standards, less stringent effluent limitations may also be allowed if they are in compliance with Section 303(d)(4) of the CWA. Under 40 CFR 122.44(l)(1), a permit may not be renewed or reissued to contain less stringent interim effluent limitations, standards or conditions than the final effluent limitations, standards or conditions in the previous permit unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR 122.62.

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) and 40 CFR 122.44(l)(1).

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.