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Office of Water Quality, Permits Branch
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In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of wastewater from Ground Water Petroleum Remediation Systems into surface waters of the State of Indiana.

This permit is issued on: _____**, 2015**

This permit is effective on: _____**, 2015**

This permit expires on: _____**, 2020**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.

_____
Bruno Pigott
Assistant Commissioner
Office of Water Quality

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1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This ground water petroleum remediation systems general permit covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This general permit authorizes new or existing discharges to surface waters of the State of Indiana from any conveyance used for collecting and conveying wastewater which is directly related to a ground water petroleum remediation system. For the purposes of this permit only sites dealing with gasoline-based contamination are authorized. These discharges will henceforth in this permit be described as remediated groundwater.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a Notice of Intent (NOI) pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Except as provided in Section 1.3, when an NOI is submitted as set forth in Section 4.0 below, a facility is permitted to discharge remediated groundwater to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of inclusion/coverage by the Commissioner. Any discharges of remediated groundwater not permitted under this general permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or

b) IDEM's receipt of the permittee's submittal of a Notice of Termination (see Section 5.0); or

c) Issuance or modification of an individual permit for the discharges covered by this general permit; or

d) A final decision by IDEM either to revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Eligibility

a) This general permit covers discharges comprised solely of process wastewater and mine dewatering water from facilities involved in sand, gravel, dimension stone, or crushed stone operations to surface waters of the state, except as limited in paragraph b below.

b) Limitations on Coverage. The following discharges of wastewater from Groundwater Petroleum Remediation Systems are not authorized by this permit:

1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);

2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;

3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted.

1.4 Fees (Application and Annual Maintenance)

Any person who seeks coverage under this general permit is required to remit an application fee with the Notice of Intent (NOI) in accordance with IC 13-18-20-12. Pursuant to the statute this fee is required for a new NOI submittal, renewals, and modification requests including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 EFFLUENT LIMITATIONS

All permittees must control discharges as necessary to meet numeric and narrative water quality criteria for any discharges authorized by this permit, with compliance required upon beginning such a discharge.

2.1 Discharge Limitations

Table 1

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly average	Daily maximum	Units	Monthly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1]	Report	Report	MGD				Daily	24 Hr. Total
Total Flow		Report	Mgal				1 x monthly	Cumulative monthly total
Benzene [2]					0.005	mg/l	1 x monthly	Grab

Table 2

	Quality or Concentration			Monitoring Requirements	
Parameter	Daily minimum	Daily maximum	Units	Measurement frequency	Sample typ
pH	6.0	9.0	s.u.	Daily	Grab

[1] Measurement of flow is required. The flow volume may be estimated.

[2] Benzene is an indicator pollutant of the volatile organic compounds present in the gasoline. The benzene limitation of 0.005 mg/l (5.0 ug/l) is established as Best Available Technology (BAT) in accordance with 327 IAC 5-5-2.

2.2 Narrative Water Quality Standards

a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;

b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;

c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;

d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;

e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

3.0 MONITORING REQUIREMENTS AND PROCEDURES

3.1 What to Sample

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit. The Commissioner may require the permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the additional sampling requirement.

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. The Commissioner may require the permittee to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the more frequent sampling requirement.

3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of remediated groundwater. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

3.4 Additional monitoring by permittee

When the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in section 3.5 below, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

3.5 Testing Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods however, 40 CFR Part 136 should be checked to ascertain that a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable when they receive the prior written approval of the Commissioner.

a) Standard Methods for the Examination of Water and Wastewater, 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.

b) A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis, 1972 American Society for Testing and Materials, Philadelphia, PA 19103.

c) Methods for Chemical Analysis of Water and Wastes, June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

3.6 Recording of Results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

a) the place (outfall number), date, and time of sampling;

b) the person(s) who performed the sampling or measurements;

c) the dates and times the analyses were performed;

d) the person(s) and laboratory who performed the analyses;

e) the analytical techniques or methods used; and

f) the results of all required analyses and measurements.

3.7 Reporting Monitoring Results

a) The permittee shall submit complete federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to the Commissioner containing results obtained during the previous monitoring period which shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the first completed monitoring period.

b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.

c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

d) Permittees shall keep a duplicate copy of all completed and signed monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.

e) DMRs, MMRs, and any communication regarding compliance with the conditions of this general permit must be sent to:

Indiana Department of Environmental Management
Office of Water Quality- Mail Code 65-42 CDS
Compliance Data Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

f) The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal DMRs and the state MMR forms in lieu of submitting them via U.S. Mail. If electronic reporting does become a requirement and the permittee does not have the ability to submit reports electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system

The Regional Administrator of U.S. EPA may request the permittee to submit monitoring reports to the U.S. EPA when the U.S. EPA deems it necessary to assure compliance with the permit.

3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

a) For parameters with monthly average water quality based effluent limitations (WQBELs) below the limit of quantitation (LOQ), daily effluent values that are less than the LOQ may be assigned a value of zero (0).

b) For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or approved by the Commissioner.

c) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, when a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.

d) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

3.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance

of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. The three year retention requirement shall be extended:

a. automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or

b. as requested by the Regional Administrator of U.S. EPA or the Commissioner.

3.10 Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when 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.

When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section shall, within one hundred twenty (120) days of the receipt of notification:

1) submit a complete NOI containing the information required under the modified or reissued permit; or

2) apply for an individual NPDES permit.; or

3) submit a Notice of Termination (NOT) of discharge.

4.0 NOTICE OF INTENT (NOI) REQUIREMENTS

4.1 NOI Format

A person seeking coverage under this general permit shall submit the appropriate Notice of Intent (NOI) form for this specific general permit which will be provided by the Commissioner. The owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining this coverage, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility. The NOI form must be signed and certified (as required by 40 CFR 122.22) by a responsible corporate officer, or a

general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

The NOI shall be submitted to IDEM according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

a) For a new facility, an NOI shall be submitted at least thirty (30) days before any discharge occurs.

b) For a facility that has existing, effective coverage under the former general permit (327 IAC 15-10), on the effective date of this general permit, the existing coverage shall automatically be extended provided that the permittee takes one of the following actions within ninety (90) days following the date that the Commissioner makes the NOI form available to the permittee.

   1) The permittee submits a new NOI in accordance with Section 4.0 of this general permit to affirm it intends to comply with the requirements of this new general permit ;

   2) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or

   3) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.

c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires. If, upon review of the conditions and requirements of the reissued permit, the applicant determines that coverage under said permit is not appropriate for the site, he/she may, within 90 days, withdraw the NOI and submit either an application for an individual NPDES permit, or a Notice of Termination (see section 5.0 of this permit).

d) In the case of a transfer of ownership, an NOI must be submitted not less than thirty (30) days before the transfer. Additional requirements for the transfer of general permit coverage are found in Section 6.2 of this general permit.

e) The Commissioner may, upon good cause shown in writing by the applicant, extend any of the submission deadline time periods required above.

4.3 Submitting the NOI and Processing Fee

The Notice of Intent and all supporting documents and fees shall be submitted according to the following:

Submit hard copies to this address:
Indiana Department of Environmental Management
Office of Water Quality, General Permits Coordinator
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251

IDEM continues to develop means of electronic submittals for Notice of Intent and Notice of Termination forms. Upon availability and notification by the Commissioner of an electronic application process, a person may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

4.4 NOI Content Requirements

The following information must be included in an NOI:

a) name, telephone number, mailing address, and email address of the owner or operator of the site, and the name, telephone number, mailing address, and email address of a contact person who is knowledgeable about the site;

b) name, telephone number, mailing address, and email address for the contact person who will be responsible for the submission of monthly monitoring reports;

c) the location address of the site itself, and the latitudinal and longitudinal coordinates of the center of the site;

d) a brief description of the activities conducted at the site that result in the discharge;

e) an estimate of the volume of wastewater to be discharged, in million gallons per day (mgd);

f) the latitudinal and longitudinal coordinates of each point source location (including outfall numbers) that will be discharging wastewater from the groundwater petroleum remediation system and also the location information for any sampling points which differ from any of the outfall locations;

g) the name of the waters receiving each discharge, and the basin, sub-basin, and watershed of the waters;

h) facility location map which identifies, via names of nearby streets or permanent structures, the location of the site where the activity resulting in the discharge will be conducted; the location where the discharge will occur; and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;

i) information about any water treatment additives currently in use or planned to be used for the wastewater from the groundwater petroleum remediation system. Documentation must also be submitted that proves there has been prior IDEM approval of the WTA for its use at this site;

j) a completed Potentially Affected Parties form (as required by IC 4-21.5) and mailing labels with mail codes (Mail Code 65-42 PS) inserted on the first line for each person listed;

k) proof of public notice in the newspaper publication of largest circulation in the area the discharge will be occurring. The public notice shall consist of the following statement: "(Facility name, address, address of the location of the discharging facility) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under ING080000, the general NPDES permit for discharge of wastewater from a groundwater petroleum remediation system which will discharge to (insert the name of the stream(s) or water body receiving the discharge(s)). Questions concerning this NOI may be directed to (Facility contact name and telephone number).";

l) the required permit fee as per IC 13-18-20-12;

m) certification statement as set forth in 40 CFR 122.22 and signed by the authorized signatory.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of remediated groundwater to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

6.2 Change of Ownership/Transfer

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator when the following occurs:

a) the current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.

b) a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM.

c) The transferee certifies in writing to IDEM the intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.

d) In addition to the submittal of the written agreement for transfer the new owner or operator must also submit a new NOI in accordance with the provisions of Section 4.0 of this permit.

6.3 Planned Changes in Facility or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

a) result in a discharge from a point previously not identified in the NOI;

b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);

c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or

d) change the amount or frequency of the discharge.

Changes resulting in the addition (item a above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

6.4 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in a NOI or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

a) any changes in contacts or responsible party;

b) any changes to addresses- mailing address or email address- for any contact or responsible party;

c) any changes to telephone numbers for any contact person or responsible party,

d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

6.5 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

6.6 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone at **(888) 233-7745:**

a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and

b) as soon as possible but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. Written reports shall be submitted to IDEM within 5 days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

Indiana Department of Environmental Management
Office of Water Quality- Mail Code 65-42 CDS
Compliance Data Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov.

Any other permit noncompliance that is not subject to the reporting requirements of 40 CFR 122.41(l)-(m), 40 CFR 122.42(a), or 327 IAC 2-6.1 shall be reported at the time of submittal of the applicable Discharge Monitoring Report as referenced in Section 3.7 of this general permit.

6.7 Certified Operator

The permittee shall have any wastewater treatment facility, when applicable, 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 5-22.

6.8 Individual or Alternative General NPDES Permit

a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).

b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

6.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.