

Appendix II:  
Illicit Discharge  
Reports, and City-  
Industry  
Correspondence

**ELKHART COUNTY COMPLAINT  
FORM CO-92-734 08.11.1992**



COMPLT.# 09-92-734

ELKHART COUNTY COMPLAINT FORM

DATE: 8/11 DEPARTMENT: ENV. HEALTH TAKEN BY: JOHN HULEWICZ

LOCATION: N.S.E.W. (CORNER/SIDE) of GOSHEN MILL RACE and ~~MILL RACE~~ BETWEEN COLLEGE + MURRAY STS.

ADDRESS: ALONG GOSHEN MILL RACE TWP: ELKHART

COMPLAINT: UNNAMED CREEK (DITCH) FLOWS ALONG MILL RACE  
WHERE IT EMPTIES INTO RIVER DEAD FISH. (FISH KILL)

\*NOTE STUART MENDE + JOHN HULEWICZ INVESTIGATED DISCHARGE  
ON 4/28 AND FORWARDED INFO TO DAVE BATES CITY OF GOSHEN.  
SAMPLE TAKEN RESULTS HIGH IN ZINC (CITY HAS INFO) (22)

PROPERTY OWNER: \_\_\_\_\_ PHONE #: \_\_\_\_\_ TAX #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

INDV. HANDLING COMPLAINT: 3428 REFERRED TO: IDEM

CONDITIONS FOUND: 8/11 ONSITE 6-8 FISH DEAD SILVER  
BLUE HUE TO H<sub>2</sub>O → SAMPLES COLLECTED OF H<sub>2</sub>O  
SENT TO ENV. HEALTH LABS S. BEND

8/11 SPOKE w/ DAVE BATES → NOTHING DONE BY CITY SINCE  
I CONTACTED THEM IN LATE APRIL. GRC NOW USING CAMERA

8/11 SPOKE w/ MARK MONIC IDEM EMERGENCY RESPONSE (OVER)

ACTION (DATE & INITIALS): (1) ON SITE: 8/11, 8/13 (2) PHONE CALL: 8/11, 8/12, 8/17, 8/18  
(3) LETTER SENT: \_\_\_\_\_ (4) RECHECK: \_\_\_\_\_ (5) CLOSED: 11/10/92

COMMENTS OR ADDITIONAL VISITS, CALLS, ETC. \_\_\_\_\_

REVIEWED BY SUPERVISOR (NAME): [Signature] DATE: 11/10/92

REPORTED BY: DR. LARRY BEACHY

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ RETURN CALL REQUESTED: YES \_\_\_\_\_ NO \_\_\_\_\_

Reinvestigation

Date: 8/11 (CONT) WILL FORWARD TO NPDES. ILLEGAL DISCHARGE

Date: 8/12 SPOKE W/ MARK MARCK - FORWARDED ONTO NPDES POLKS.

Date: 8/12 SPOKE W/ MIKE YOUNG DNR, WILL MEET HIM 8/13 9:00 AM

Date: 8/13 WENT W/ DNR NO <sup>DEAD</sup> FISH VISIBLE MIKE YOUNG WILL BE CHECKING PERIODICALLY

Date: 8/17 SPOKE W/ MARK MARCK INFORM HIM OF SITUATION HE HAS FORWARDED ALL INFO TO ROW PEARSON(?) OF NPDES COMPLIANCE

Date: 8/26 CALLED LEFT MESSAGE FOR ROW PEARSON

Date: 9/18 SPOKE W/ MIKE YOUNG INFORMED HIM OF RESULTS

Date: 11/10 CALLED + SPOKE W/ ROW PEARSON 293-7094 CINDY GALVAN CALLED LINDY + LEFT MESSAGE

Date: 11/10 CINDY GALVAN CALLED SPOKE W DON SCORSECCI NOT ENOUGH EVIDENCE W/ GUSHER RUBBER - REQUIRING THEM TO GAIN AN NPDES.





Environmental Health Laboratories 110 S. Elm Street • South Bend, IN 46617 • Phone: 233-4111

# CHAIN OF CUSTODY RECORD

SHADED AREA FOR LAB USE ONLY PAGE 1 OF 1

LAB #	CLIENT COMPANY	PROJECT NAME	PROJECT #	DESCRIPTION OF COLLECTION SITE	# OF CONTAINERS	MATRIX CODE	SAMPLE DEPTH - FT.	WELL DEPTH - FT.	TESTS REQUESTED (M)	OTHER SAMPLE RELATED REMARKS	CONTAMINATION LEVEL	TURNAROUND TIME	CUSTODY SEAL
1	ECKHART COUNTY HEALTH	STORM DRAIN		STORM DRAIN (SUMMER 15.0)	1	SW			ZINC (103) COPPER (103) ARSENIC (103) LEAD (101) MERCURY (101)		2	2	
2				"	1	SW					2	2	
3				"	1	SW					2	2	

FIELD COMMENTS: CARRIER AIRBILL NO. COOLER NO. DATE SHIPPED

LAB RESERVES THE RIGHT TO RETURN UNUSED PORTIONS OF NON-AQUEOUS SAMPLES TO CLIENT.

RECEIVED BY (Signature) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

RECEIVED FOR LABORATORY BY (Signature) \_\_\_\_\_ DATE 8-12-99 TIME \_\_\_\_\_

SHIPPING CONDITIONS: [Check One]  Ambient  °C Highest  °C Lowest

TEMPERATURE: \_\_\_\_\_ °C Highest \_\_\_\_\_ °C Lowest

MATRIX CODES: SE SURFACIC WATER SL SURFACE WATER HW TAP/AQUATIC WASTEWATER

CONTAMINATION LEVEL: L LOW (POT. CRUISE) M MEDIUM H HIGH U UNKNOWN

TURN-AROUND-TIME (TAT) - SURCHARGES: STANDARD (10 WORKING DAYS) WITHIN 0% IV IMMEDIATE (48 HOURS) VERBAL 100% RUSH (3 WORKING DAYS) VERBAL 50% RV IMMEDIATE (48 HOURS) VERBAL 125%





# INITIAL INCIDENT REPORT LOG

## Emergency Response Branch

State Form 13490 (R2/ 8-89)

Indiana Dept. of Environmental Management  
 P. O. Box 6015  
 Indianapolis, Indiana 46206  
 24 Hr Emergency Reporting Number  
 317/241-4336

County (H.D.) 66-30

<input checked="" type="checkbox"/> 1 SPILL	<input type="checkbox"/> 4 AIR	INCIDENT NO.	<u>9208082</u>
<input checked="" type="checkbox"/> 2 FISH KILL	<input type="checkbox"/> 5 HAZ/MAT & OTHER	CITY	<u>Goshen</u>
<input type="checkbox"/> 3 RADIATION		COUNTY	<u>Elkhart</u>
MINOR <input type="checkbox"/> SIGNIFICANT <input checked="" type="checkbox"/> SEVERE <input type="checkbox"/>	Initial Only <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TITLE III REPORT?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
INVESTIGATOR		<u>Mark Mauck</u>	

Incident Date <u>00/00/00</u>	Incident Time <u>✓</u> AM <u>-</u> PM	Notification Date <u>8/11/92</u>	Notification Time <u>11:50</u> PM
Suspected Responsible Party <u>Goshen Rubber Co., Inc.</u>		Reported By/ Title <u>John Hulewicz</u>	
Contact / Title		Organization <u>Elkhart County H.D.</u>	
Address <u>1525 S. 10<sup>th</sup> St.</u>		Address <u>↓</u>	
City / State / Zip Code <u>Goshen, IN 46524</u>	Phone # <u>219/533-1111</u>	City / State / Zip Code <u>↓</u>	Phone # <u>219/875-3391</u>

REPORTED BY		INVESTIGATOR	
<input checked="" type="checkbox"/> 1 Responsible Pty	<input type="checkbox"/> 5 County Health Department	<input type="checkbox"/> 1 DEM - Emer Resp Branch	<input type="checkbox"/> 5 US EPA
<input type="checkbox"/> 2 Fed Gov't Agency	<input type="checkbox"/> 6 DNR/ Conservation Officer	<input type="checkbox"/> 2 Other DEM Personnel	<input type="checkbox"/> 6 Other ( )
<input type="checkbox"/> 3 State Gov't Agency	<input type="checkbox"/> 7 State or Local Police	<input type="checkbox"/> 3 DNR/ Conservation Officer	<input type="checkbox"/> 7 DEM-ERB Field Resp
<input type="checkbox"/> 4 Local Gov't Agency	<input type="checkbox"/> 8 Private Citizen	<input type="checkbox"/> 4 County Health Department	<input type="checkbox"/> 9 Other

SOURCE			
<input type="checkbox"/> 1 Transportation RR	<input type="checkbox"/> 4 Transportation Barge	<input type="checkbox"/> 7 Commercial	<input type="checkbox"/> 10 Unknown
<input type="checkbox"/> 2 Transportation Truck	<input type="checkbox"/> 5 Industrial	<input type="checkbox"/> 8 Semi-Public	<input type="checkbox"/> 11 Other ( )
<input type="checkbox"/> 3 Transportation Pipeline	<input type="checkbox"/> 6 Agricultural	<input type="checkbox"/> 9 Municipal	<input type="checkbox"/> 12 Individual
			<input type="checkbox"/> 13 LUST

SPILL LOCATION INFORMATION			
Location (Address or Directions) <u>Outfall is into Creek due to storm sewer</u>			
Area	Sq Ft	Site / Area Description #	
	Miles	<u>(No NPDES)</u>	<u>8 Suckers killed</u>
Water Involved ? / Name <input type="checkbox"/> Yes <input type="checkbox"/> No		Downstream Water Users <u>Ditch running south of area</u>	

MATERIAL INFORMATION			
<input type="checkbox"/> 1 Petroleum Product	<input type="checkbox"/> 3 Misc Chemical	<input type="checkbox"/> 5 Agricultural Related Product	<input type="checkbox"/> 7 Other
<input type="checkbox"/> 2 Acid/Base	<input type="checkbox"/> 4 Misc Material	<input type="checkbox"/> 6 Food Related Product	<input type="checkbox"/> 8 Unknown
Material Name(s): <u>1 Zinc STEARATE</u>		Phase G L S	Quantity
		<u>001</u>	<u>    </u>
Lb			
Ga			
2 <u>(or Calcium STEARATE)</u>		Phase G L S	Quantity
		<u>000</u>	<u>    </u>
Lb			
Ga			
CHEMICAL AND PHYSICAL CHARACTERISTICS			
Specific Gravity		Flash Point F°	LEL
UEL		Color	Odor
Reportable Quantity	Other Information		
Lb	<u>Informant gave info from Post work</u>		

CIRCUMSTANCES		ENVIRONMENTAL CONSEQUENCES	
<input type="checkbox"/> 1 Equipment Failure	<input type="checkbox"/> 5 Intentional Discharge	<input checked="" type="checkbox"/> 1 Water Quality Violation	<input type="checkbox"/> 5 Undetermined
<input type="checkbox"/> 2 Transportation Accident	<input type="checkbox"/> 6 Miscellaneous	<input type="checkbox"/> 2 No Water Quality Violation	<input type="checkbox"/> 6 Air Release
<input type="checkbox"/> 3 Employee Error	<input type="checkbox"/> 7 Unknown	<input checked="" type="checkbox"/> 3 Fish Kill	<input type="checkbox"/> 7 Minimal - LOG ONLY
<input type="checkbox"/> 4 Vandalism		<input checked="" type="checkbox"/> 4 FK & WQ Violation	



**NOTIFICATION / CONTACTS**

INDIANA STATE POLICE (District # )		AGENCY	
Representitive/Title		Representitive/Title <i>Dr. Larry Beachy</i>	
Date/Time	Phone # <i>/</i>	Date/Time <i>owned</i>	Phone # <i>219 / 533-5925</i>
HEALTH DEPARTMENT ( )		AGENCY	
Representitive/Title <i>on-front</i>		Representitive/Title	
Date/Time	Phone # <i>/</i>	Date/Time	Phone # <i>/</i>
DEPARTMENT OF NATURAL RESOURCES (District # )		AGENCY <i>PAE TRUST Coordinator</i>	
Representitive/Title <i>N. R. Helges / MARY</i>		Representitive/Title <i>DAVE BATES</i>	
Date/Time <i>8/11/92 12:20</i>	Phone # <i>317 / 473-9722</i>	Date/Time <i>890 pm Zn.</i>	Phone # <i>219 / 534-5802</i>
LOCAL AUTHORITIES ( )		AGENCY	
Representitive/Title		Representitive/Title	
Date/Time	Phone # <i>/</i>	Date/Time	Phone # <i>/</i>

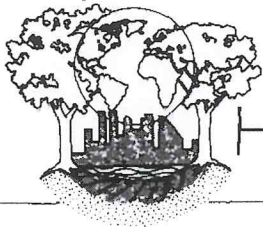
**IDBM PERSONNEL**

Name/Section	Date/Time	Phone # <i>/</i>
Remarks:		
Name/Section	Date/Time	Phone # <i>/</i>
Remarks:		
Name/Section	Date/Time	Phone # <i>/</i>
Remarks:		

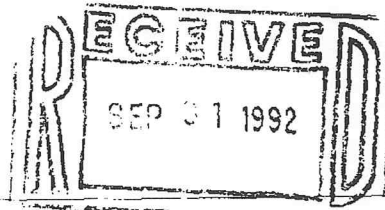
**NOTES**

*ON August 11, 1992 E2B STAFF was notified of an alleged  
 criminal dumpage of Zinc Sulfate to a storm water  
 line in Elkhart, Indiana. The Goshen Rubber Co.  
 uses this product and has been discharging the waste to  
 a storm sewer which leads to a creek. Staff will  
 inform the water inspectors of the on going situat  
 which seems to be in need of an NPDES permit  
 number.  
 No further action is anticipated by this office  
 unless assistance is requested by the office  
 of water.*

Submitted By: <i>Mal Madd</i>	Reviewed By:
----------------------------------	--------------



# Environmental Health Laboratories



110 S. Hill Street  
South Bend, IN 46617  
(219) 233-4777  
(219) 233-3272  
FAX (219) 233-8207

## LABORATORY REPORT

Client: Elkhart County Health Department  
Attn: John Hulewicz  
22830 U.S. 33  
Goshen, IN 46526

Report#: 39621-24  
Priority: Standard Written  
Status: Final

Project/Site: Storm drain 1,2, and 3

Samples Submitted: Four wastewater samples

Copies to: None

Collected: 08-11-92

By: Client

Received: 08-12-92

### REPORT SUMMARY

Four wastewater samples were submitted for multiple parameter analysis.

Results of all associated quality control samples were within acceptance limits. No project specific quality control was requested.

Detailed quantitative results are presented on the following pages.

We appreciate the opportunity to provide you with this analysis. If you have any questions concerning this report, please do not hesitate to call us at (219) 233-4777.

APPROVED BY:

Quality Assurance Manager

DATE:

08-28-92

Laboratory Manager

DATE:

8-29-93

Client: Elkhart County Health Department

Report#: 39621-24

**TOTAL METALS--Wastewater**

Site: Storm drain (Surface H<sub>2</sub>O) #1

Lab #: 39621

Parameter	Method	PQL		Result
Calcium	FL-215.1	1.0	√	110 mg/L
Zinc	FL- 289.1	0.04		0.38 mg/L

If dilutions were required for quantitation of specific parameters, they are indicated by a (√) preceding the result.

Analyzed: 08-18&24-92

Analyst: MH/AK

Site: Storm drain (Surface H<sub>2</sub>O) #2

Lab #: 39622

Parameter	Method	PQL		Result
Calcium	FL-215.1	1.0	√	280 mg/L
Zinc	FL- 289.1	0.04	√	4.2 mg/L

If dilutions were required for quantitation of specific parameters, they are indicated by a (√) preceding the result.

Analyzed: 08-18&24-92

Analyst: MH/AK

**GENERAL CHEMISTRY--Drinking Water**

Site: Storm drain (Surface H<sub>2</sub>O) #3

Lab #: 39623-24

Parameter	Method	PQL		Results
COD	SM5220-C	2.0		8.2 mg/L
Hardness, Total	SM 2340B	4.6	√	200 mgCaCO <sub>3</sub> /L

If dilutions were required for quantitation of specific parameters, they are indicated by a (√) preceding the result.

Analyzed: 08-17&24-92

Analyst: Ref. Lab (EQL)/MH&AK



## REFERENCES AND DEFINITIONS OF TERMS

### General Chemistry

References:

1. EPA-600/4-79-020  
Methods for Chemical Analysis of Water and Wastes
2. Standard Methods For the Examination of Water and Wastewater  
Vol. 17, 1989
3. Standard Method of Test for Nitrate Using an Ion Selective Electrode  
Orion WeWWG/5880

### Metals in Wastewater and Other Matrices

Analytical Technique: Atomic Absorption As

FL =Flame  
GF =Graphite Furnace  
CV =Cold Vapor  
HD =Hydride

Reference: EPA-600/4-82-057; Methods for Organic Chemical Analysis of  
Municipal and Industrial Wastewater

**Practical Quantitation Limits (PQL's)** represent the lower limit at which the compounds of interest can be accurately measured, at a 95% confidence level, and reported for a sample exhibiting minimal chemical background interference under the conditions employed in the analytical procedure. PQL's are by definition a function of the instrument performance for an ideal sample and thus are not adjusted for sample dilutions used to calculate results.

1  $\mu\text{g/L}$  = microgram per liter = 1 part per billion (ppb).

1  $\text{mg/L}$  = milligram per liter = 1 part per million (ppm).

(<) = means "less than" the lowest reportable value by the procedure used for analysis.

**CITY OF GOSHEN – ILLICIT  
DISCHARGE INDICENT  
REPORT 2014-0025 09.15.2014**



## City of Goshen - Illicit Discharge Incident Report

**Incident ID: 2014-0025**

**Responder Information**

Call taken by: NA

Call date: 09/15/2014

Call time: 12:52 pm

Precipitation (inches) in past 24-48 hrs:0

**Reporter Information**

Incident time: 12:52 pm

Incident date: 09/15/2014

Caller contact information (*optional*): Incident observed by Dustin Sailor, City Utilities Engineer & Stormwater Superintendent

**Incident Location** (*complete one or more below*)

Indiana East State Plane Coordinates: N2303421.77, E285037.2

Stream Name and/or Outfall #: Receiving Stream - College Avenue Ditch & the Elkhart River

Closest street address: 1109 S. 11<sup>th</sup> Street

Nearby landmark: T&M Rubber (Source)

**Primary Location Description**

Stream corridor  
(*In or adjacent to stream*)

Upland area  
(*Land not adjacent to stream*)

**Secondary Location Description:**

Outfall

Near storm drain

In-stream flow

Near other water source (storm water pond, wetland, etc.):

Along banks

Narrative description of location: City Storm Manhole No. 507-3171, located on the south side of T&M Rubber

**Upland Problem Indicator Description**

Dumping

Wash water, suds, etc.

Oil/solvents/chemicals

Other: \_\_\_\_\_

Sewage

**Stream Corridor Problem Indicator Description**

Odor

None

Sulfide (rotten eggs);  
natural gas

Sewage

Other: Describe in "Narrative" section

Rancid/Sour

Petroleum (gas)

Appearance

"Normal"

Other: Describe in "Narrative" section

Oil sheen

Cloudy

Suds

Floatables

None:

Other: Describe in "Narrative" section

Sewage (toilet paper, etc)

Algae

Dead fish

Narrative description of problem indicators: Installing flow meters, saw clear flow turn white, witness T&M Rubber employee, "Jimmy", washing out a dumped hopper of what was determined to be 6 to 12 month old Calford R-220 into the storm drain.

Suspected Violator (name, personal or vehicle description, license plate #, etc.): T&M Rubber, 1109 S. 11<sup>th</sup> Street, Goshen, IN 46528, Ph. 574-533-3173, Fx. 574-533-7599

<b>Investigation Notes</b>	
Initial investigation date: 09/15/2014	Investigators: Dustin Sailor, City Utility Engineer
<input type="checkbox"/> No investigation made	Reason:
<input type="checkbox"/> Referred to different department/agency:	Department/Agency:
<input type="checkbox"/> Investigated: No action necessary	
<input checked="" type="checkbox"/> Investigated: Requires action	Description of actions: Follow-up letter to T&M Rubber, referral of site to IDEM as possible Rule 6 facility, City installation of storm warning markers
Hours between call and investigation: 5 min	Hours to close incident: 30 min
Date case closed: 09/15/2014	
<p>Notes:</p> <p>2014.09.15, 12:52 pm -Witness T&amp;M employee washing white substance into City of Goshen Storm Drain.</p> <p>2014.09.15, 12:55 pm- Requested Jimmy to cease action and provide a facility contact. Jimmy instructed me to go to the front office. When Jimmy was asked why he was doing what he was doing, Jimmy responded that he is just doing what they have always done since he's worked there.</p> <p>2014.09.15, 1:05 pm- Made contact with Jenny Taylor, T&amp;M Rubber's Hazard Communication Safety (fka MSDS) coordinator. Jenny could not explain why staff was doing what they were doing. Jenny referred the investigator to James Barton, who is the facility manager.</p> <p>2014.09.15, 1:10 pm- Upon reaching the lower level, the investigator was met by James "Buck" Barton, the Corporate Officer and Maintenance Manager. Buck explained the material being washed into the sewer was "Slab Dip" consisting of a calcium carbonate material used to dip rubber into to make it so it wouldn't stick. It was Buck's opinion the material was harmless. The investigator requested a Hazard Communication Safety sheet on the product, which was provided and attached hereto.</p> <p>2014.09.15, 1:15 pm- Additional photographs of the area were taken. Containment of the material that entered the sewer was deemed unnecessary because of the amount of process water flowing into the sewer. No containment effort could be brought to force before the released material reached the waterway.</p>	



City of Goshen Stormwater Manhole 507-3358 seen change white while installing a flow meter



Observed white material being washed into City of Goshen Stormwater Inlet 507-3171



Slab Dip hopper that Jimmy says the company annually washes out into the storm drain (since he's been there).

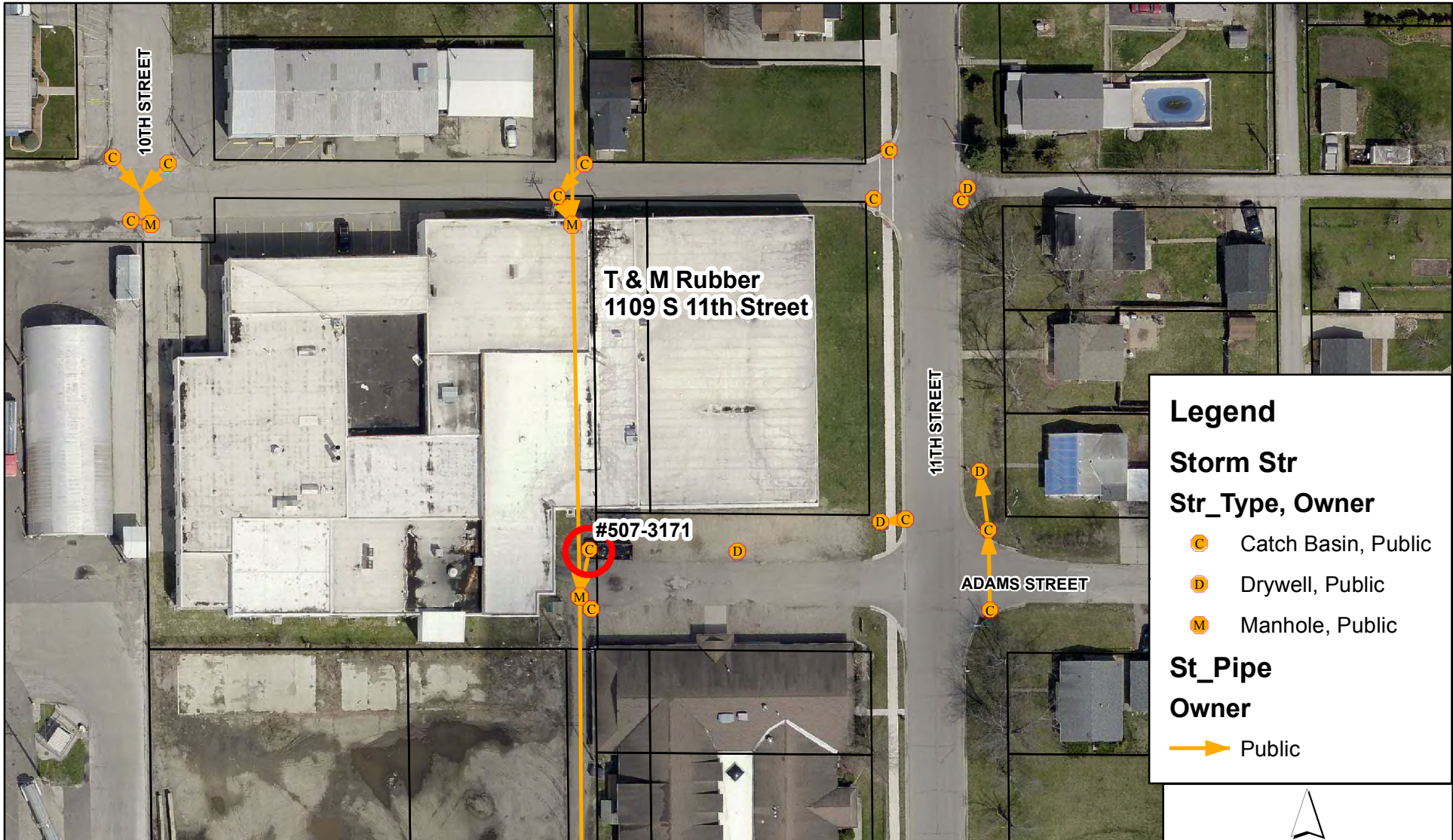


Impacted area by dumped slab dip



Impacted area by dumped slab  
dip





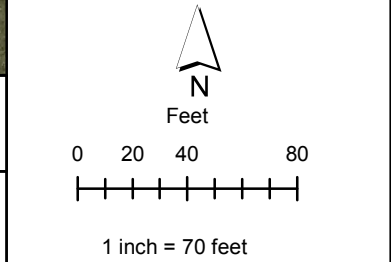
**Legend**

**Storm Str**  
**Str\_Type, Owner**

- Catch Basin, Public
- Drywell, Public
- Manhole, Public

**St\_Pipe**  
**Owner**

- ➔ Public



**T & M Rubber Illicit Discharge Incident to Catch Basin #507-3171**

Septembert 2014  
 2013 Aerial Photography

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

**The City of Goshen**  
 Department of Public Works & Safety  
 Office of Engineering  
 204 East Jefferson Street, Goshen, Indiana 46528  
 Phone: 574-534-2201 Fax: 574-533-8626



Jason Kauffman, CESSWI, Stormwater Coordinator  
STORMWATER DEPARTMENT, CITY OF GOSHEN  
204 East Jefferson Street, Suite I • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626  
[jasonkauffman@goshencity.com](mailto:jasonkauffman@goshencity.com) • [goshenindiana.org](http://goshenindiana.org)

October 1, 2014

Mr. James Barton, Corporate Officer/Maintenance Manager  
T&M Rubber  
1102 S. 10<sup>th</sup> Street  
P.O. Box 516  
Goshen, Indiana 46527

**RE: SEPTEMBER 15<sup>TH</sup>, 2014, ILLICIT DISCHARGE INCIDENT  
(FILE NAME: DEPARTMENT OF STORMWATER\_ILLICIT DISCHARGE)**

Dear Mr. Barton,

On September 15<sup>th</sup>, 2014, Dustin Sailor, City Utilities Engineer & Stormwater Superintendent, talked with you about the illicit discharge of Calford R-220 ("Slab Dip") into a City storm drain on the south side of T&M Rubber's 1109 S 11<sup>th</sup> Street facility. City Ordinance 4237 (included with this letter) deals with requirements for stormwater management associated with illicit discharges and one of the objectives is to "regulate the contribution of pollutants to the [Municipal Separate Storm Sewer System (MS4)] by stormwater discharges by any user" (Section 1.02, Objective F). Additionally, Section 2.01 states

"No person shall discharge, cause to be discharged, or permit to be discharged into the municipal storm drainage system or any water course, any discharge or materials including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards other than storm water."

The Calford R-220 material was washed into storm drain #507-3171 which has a release point to the Wellington Ditch just to the west of the Mill Race Hydraulic Canal and west of the intersection of College Ave and Main Street (see Figure 1 included with this letter), with an eventual release to the Elkhart River. The continued release of Calford R-220 to the City storm sewer is not permissible and an alternative disposal method will need to be selected. I discussed the potential for the Calford R-220 to be discharged to the City sanitary sewer system with the Wastewater Treatment Plant staff and they said this material is not suitable to be discharged to the City sanitary sewer.

To ensure the release of materials to the City storm drains does not occur in the future, the City of Goshen will be placing five storm drain markers on the catch basins surrounding T&M Rubber's 1109 S 11<sup>th</sup> Street facility. Additionally, the City encourages T&M Rubber to put together a remedial training program to educate employees about



Mr. James Barton  
October 1, 2014  
Page 2

stormwater and nonpoint source pollution. The City is willing to partner with T&M Rubber in putting this program together. The program should include notices, educational pamphlets, employee training sessions, etc. Here are some general stormwater resources for your information:

<http://water.epa.gov/action/weatherchannel/> "After the Storm"  
<http://cfpub.epa.gov/npstbx/index.html> EPA Nonpoint Source (NPS) Outreach Toolbox  
<http://www.in.gov/idem/nps/index.htm> IDEM Nonpoint Source Water Pollution

In addition, the operations at T&M Rubber may fall under the requirements of the Indiana Department of Environmental Management (IDEM) industrial stormwater permit program (also known as Rule 6). You will need to contact Heather Winebrinner, IDEM Construction/Industrial Stormwater, at 317-233-1864 to determine whether or not your company needs to apply for a Rule 6 permit. The following Rule 6 hyperlinks are for your information:

<http://www.in.gov/idem/6570.htm> Rule 6 Applicability  
<http://www.in.gov/idem/6571.htm> Rule 6 Program Overview  
<http://www.in.gov/idem/6562.htm> Step by Step Guide to Rule 6  
<http://www.in.gov/idem/6561.htm> Sampling Info

Furthermore, IDEM requires "prior authorization or a permit [to] be obtained for the discharge of any fluids into floor drains that will reach ground water, surface water, or a sanitary sewer." This information comes from Chapter 2, page 17 of the *Indiana Small Business Guide to Environmental, Safety, And Health Regulations*, which can be accessed from the following hyperlink: <http://www.in.gov/idem/5556.htm>. Due to the presence of at least a couple of floor drains inside the 11<sup>th</sup> Street facility connected to the City's storm sewer system, you will need to contact the Compliance and Technical Assistance Program (CTAP) within IDEM's Office of Pollution Prevention and Technical Assistance, which provides free and confidential environmental assistance to Indiana businesses, to determine which permits, if any, T&M Rubber will need to apply for. You can contact CTAP at 317-232-8172 or 800-988-7901 and their web address is [www.in.gov/idem/ctap/index.htm](http://www.in.gov/idem/ctap/index.htm).

Finally, due to the presence of several discharge points (e.g. floor drains, catch basin inlets, etc.) from the T&M Rubber facility a site plan showing the location of each of these points must be submitted to the City Stormwater Department. I recommend this site plan be provided to the City during a follow-up meeting between the City and T&M Rubber during the first week of November to discuss how T&M Rubber is addressing the issues raised above. Please contact me at your earliest convenience so a suitable meeting time for everyone can be scheduled.

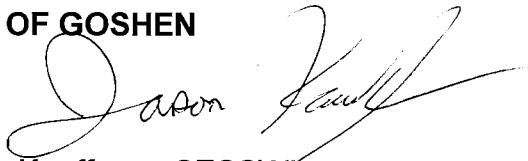
Mr. James Barton  
October 1, 2014  
Page 3

The City of Goshen Stormwater Department would prefer to work with T&M Rubber to have the identified discharge issues corrected voluntarily. If the discharge of materials, other than stormwater, continues to enter the City's storm sewer system the Stormwater Department will pursue additional enforcement actions as described in Section 5 of Ordinance 4327.

If you have any questions, please do not hesitate to contact me.

Sincerely,

**CITY OF GOSHEN**

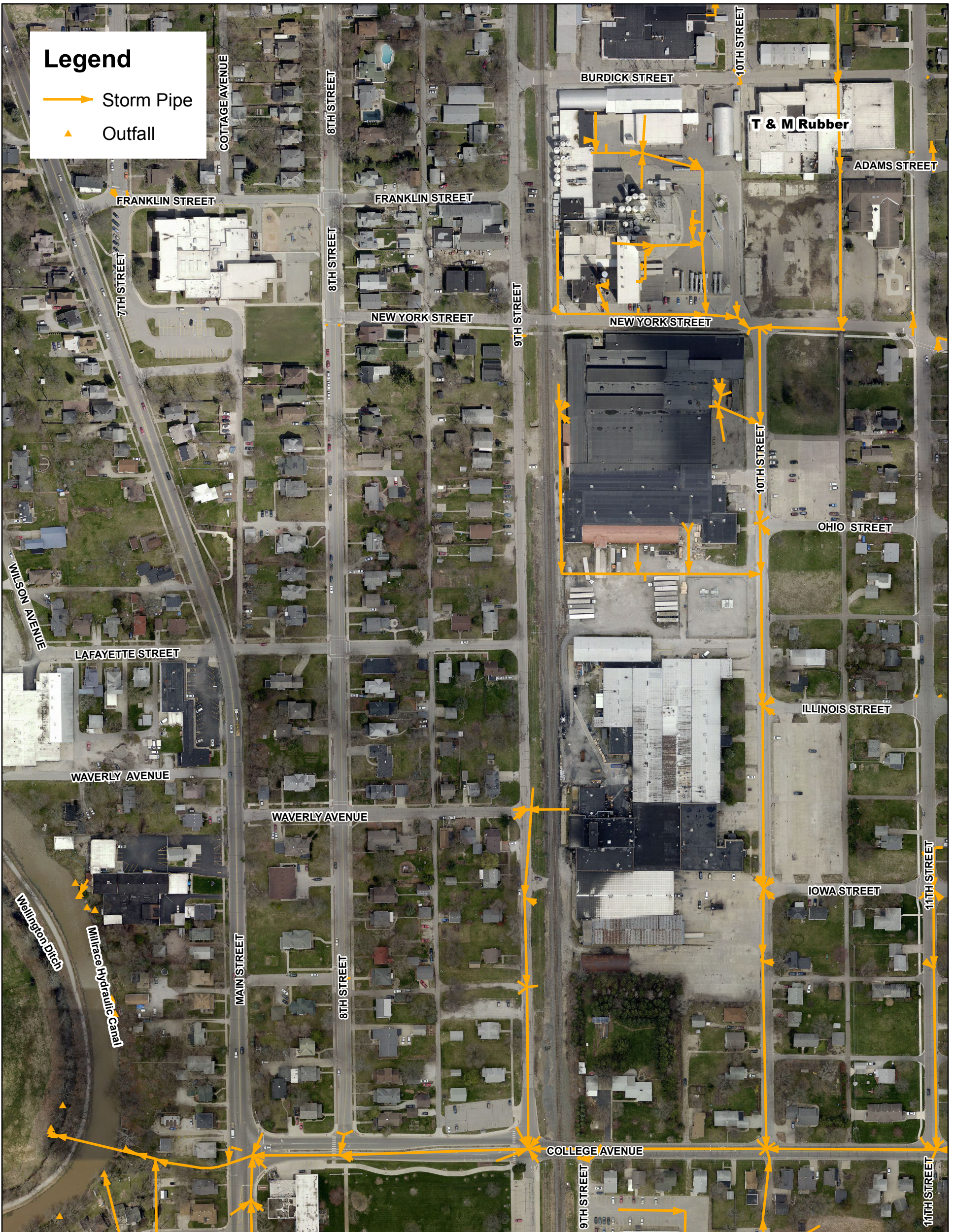
A handwritten signature in black ink that reads "Jason Kauffman". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jason Kauffman, CESSWI  
Stormwater Coordinator


Attachments: City Ordinance 4237  
T&M Rubber Figure 1  
Illicit Discharge Incident Report

CC: Jenny Taylor, T&M Rubber Hazard Communication Safety Coordinator  
Larry Keil, Goshen Wastewater Department  
Heather Winebrinner, IDEM Construction/Industrial Stormwater  
Stan Rigney, IDEM Industrial NPDES Permits Section





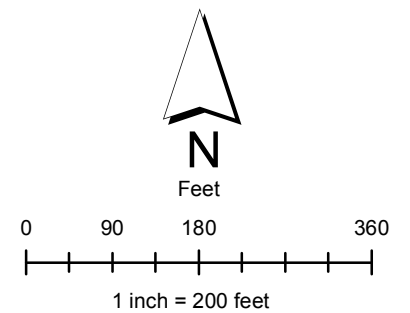
**Legend**

-  Storm Pipe
-  Outfall

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

T & M Rubber

Figure 1



**The City of Goshen**  
 Department of Public Works & Safety  
 Office of Engineering  
 204 East Jefferson Street, Goshen, Indiana 46528  
 Phone: 574-534-2201 Fax: 574-533-8626



**DAIRY FARMERS OF AMERICA**  
**NPDES CORRESPONDENCE**  
**07.25.2007**



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

July 25, 2007

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

VIA CERTIFIED MAIL

7002 0510 0004 0412 9122

Dairy Farmers of America, Inc.  
Mr. Robert Gehlke  
P.O. Box 557  
Goshen, Indiana 46526

Re: NPDES Permit No. IN0055565  
1110 South Ninth Street  
Goshen, Indiana 46526  
Elkhart County

Dear Mr. Gehlke:

Your application for a National Pollutant Discharge Elimination System (NPDES) permit for authorization to discharge into the waters of the State of Indiana has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IC 13-15, IDEM's permitting authority. All discharges from this facility shall be consistent with the terms and conditions of this permit.

One condition of your permit requires periodic reporting of several effluent parameters. These forms are available on the internet at the following web site:

<http://www.in.gov/idem/compliance/water/wastewater/compeval/forms/index.html>.

Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may subject the permittee to criminal or civil penalties. (See Part II A.2.) It is therefore urged that your office and treatment operator understand this part of the permit.

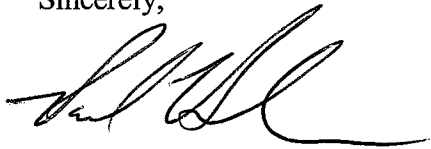
It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the mailing of this letter by filing at the following address:

Office of Environmental Adjudication  
Indiana Government Center North  
100 North Senate Avenue, Room 1049  
Indianapolis, IN 46204

Please send a copy of any written appeal to me at the IDEM, Office of Water Quality - Mail Code 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

If you have any questions concerning the permit, please contact Matthew Carmichael at 317/233-5961. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Higginbotham', with a long horizontal flourish extending to the right.

Paul Higginbotham, Chief  
Permits Branch  
Office of Water Quality

Enclosures

cc: Elkhart County Health Department

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
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 "Act"), and IDEM's authority under IC13-15,

DAIRY FARMERS OF AMERICA, INC.

is authorized to discharge from a dairy that is located at 110 South Ninth Street, Goshen, Indiana to an unnamed tributary (ditch) of the Elkhart River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

Effective Date: September 1, 2007

Expiration Date: August 31, 2012

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.

Signed on July 25, 2007 for the Indiana Department of  
Environmental Management



Paul Higginbotham, Chief  
Permits Branch  
Office of Water Quality



TREATMENT FACILITY CLASSIFICATION

The discharger does not have a wastewater treatment facility.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge process wastewater from Outfall 001. 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 unnamed drainage ditch to the Elkhart River. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1]

Table 1

Parameter	Quantity or Loading		Units	Quality or Concentration		Units	Monitoring Measurement Frequency	Requirements Sample Type
	Monthly Average	Daily Maximum		Monthly Average	Daily Maximum			
Flow	Report	Report	MGD	-	-	-	Daily	24 Hour Total
CBOD5								
Summer [2]	25.2	50.4	-	21.0	42.0	mg/l	2 X Monthly	Grab
Winter [2]	57.6	115.3	-	48.0	96.0	mg/l	2 X Monthly	Grab
TSS	12.0	24.0	-	10.0	20.0	mg/l	2 X Monthly	Grab
Oil & Grease	-	12.0	-	-	10.0	mg/l	2 X Monthly	Grab
Total Residual								
Chlorine [3]	0.012	0.024	-	0.01	0.02	mg/l	2 X Monthly	Grab
Temperature	-	-	-	-	Report	F°	2 X Monthly	Grab
Ammonia (as N)	-	-	-	Report	Report	mg/l	2 X Monthly	Grab

Table 2

Parameter	Quality or Concentration		Units	Monitoring Measurement Frequency	Requirements Sample Type
	Daily Minimum	Daily Maximum			
pH	6.0	9.0	s.u.	2 X Monthly	Grab
Dissolved Oxygen	5.0	-----	mg/l	2 X Monthly	Grab

- [1] Discharge is limited solely to condensed water generated by the evaporation of milk and stormwater. All sampling must be taken during times of plant discharge.
- [2] Summer limitations apply from May 1 through November 30. Winter limitations apply from December 1 through April 30.

- [3] The monthly average water quality based effluent limit (WQBEL) for chlorine is less than the limit of quantitation (LOQ) as defined below. Compliance with the monthly average limit will be demonstrated if the monthly average effluent level is less than or equal to the monthly average WQBEL. Daily effluent values that are less than the LOQ, used to determine the monthly average effluent levels less than the LOQ, may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the limit of detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.

<u>Parameter</u>	<u>Test Method</u>	<u>LOD</u>	<u>LOQ</u>
Chlorine	4500-Cl-D,E or 4500-Cl-G	0.02 mg/l	0.06 mg/l

Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by the Commissioner 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.

**B. NARRATIVE WATER QUALITY STANDARDS**

1. In accordance with 327 IAC 2-1.5-8, all waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to the discharge:
  - a. That will settle to form putrescent or otherwise objectionable deposits;
  - b. That are in amounts sufficient to be unsightly or deleterious;
  - c. That produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
  - d. 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. 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.
2. At all times, all waters outside the mixing zone shall be free of substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

## C. MONITORING AND REPORTING

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge.

### 2. Discharge Monitoring Reports

- a. For parameters with monthly average water quality based effluent limitations (WQBELs) below the LOQ, daily effluent values that are less than the limit of quantitation (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 LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if 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.

- e. Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.
- f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

The permittee shall submit federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be postmarked no later than the 28<sup>th</sup> day of the month following each completed monitoring period. The first report shall be submitted by the 28<sup>th</sup> day of the month following the month in which the permit becomes effective.

The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

3. Definitions

a. Monthly Average

- (1) Mass Basis - The “monthly average” discharge means the total mass discharge during a calendar month divided by the number of days in the month that the production or commercial facility was discharging. Where less than daily samples is required by this permit, the monthly average discharge shall be determined by the summation of the measured daily mass discharges divided by the number of days during the calendar month when the measurements were made.
- (2) Concentration Basis - The “monthly average” concentration means the arithmetic average of all daily determinations of concentration made during a calendar month. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

b. “Daily Discharge”

- (1) Mass Basis – The “daily discharge” means the total mass discharge by weight during any calendar day.

- (2) Concentration Basis – The “daily discharge” means the average concentration over the calendar day or any twenty-four (24) hour period that reasonably represents the calendar day for the purposes of sampling.
- c. “Daily Maximum”
- (1) Mass Basis – The “daily maximum” means the maximum daily discharge mass value for any calendar day.
  - (2) Concentration Basis – The “daily maximum” means the maximum daily discharge value for any calendar day.
  - (3) Temperature Basis – The “daily maximum” means the highest temperature value measured for any calendar day.
- d. A 24-hour composite sample consists of at least 3 individual flow-proportioned samples of wastewater, taken by the grab sample method or by an automatic sampler, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow-proportioned composite sample may be obtained by:
- (1) recording the discharge flow rate at the time each individual sample is taken,
  - (2) adding together the discharge flow rates recorded from each individual sampling time to formulate the “total flow” value,
  - (3) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,
  - (4) then multiply the volume of the total composite sample by each individual sample’s percentage to determine the volume of that individual sample which will be included in the total composite sample.
- e. Concentration -The weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).

- f. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- g. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, Indianapolis, Indiana 46204.
- h. "Limit of Detection or LOD" means a measurement of the concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the method detection level or MDL.
- i. "Limit of Quantitation or LOQ" means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also sometimes called limit quantification or quantification level.
- j. "Method Detection Level or MDL" means the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by procedure set forth in 40 CFR 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

4. Test Procedure

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 if 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 if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

- a. Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> 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.

5. Recording of Results

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

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of all required analyses and measurements.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, 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.



7. 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. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three years shall be extended:

- a. automatically during the course of any unresolved 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 or the Indiana Department of Environmental Management.

D. REOPENING CLAUSES

This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing:

1. to comply with 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, if the effluent limitation or standard so issued or approved:
  - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - b. controls any pollutant not limited in the permit.
2. to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.

PART II  
STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation of the Clean Water Act, and the Environmental Management Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation. Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction.

Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand (\$100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

3. Duty to Mitigate

Pursuant to 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Modification, Revocation, and Reissuance, and Termination

In accordance with 327 IAC 5-2-8(4) and 327 IAC 5-2-16(b), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts by the permittee in the application or during the permit issuance process; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by this permit.
- d. The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:
  - (1) could significantly change the nature of, or increase the quantity of, pollutants discharged; or
  - (2) the commissioner may request to evaluate whether such cause exists.

The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or any information specified in Part II.A.5 of this permit does not stay or suspend any permit term or condition.

5. Duty to Provide Information Requested by the Commissioner

Pursuant to 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within reasonable time, any information which the Commissioner may request to determine compliance with this permit. Pursuant to 327 IAC 5-1-3, the permittee shall furnish to the Commissioner any reports or data necessary to carry out the provisions of 327 IAC 5 in such a manner as the Commissioner may reasonably prescribe.

6. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to obtain and submit the application. Pursuant to 327 IAC 5-3-2(a)(2), the application must be submitted at least 180 days in advance of the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

7. Permit Transfer

In accordance with 327 IAC 5-2-6(c), this permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

- a. The current permittee notified the commissioner at least thirty (30) days in advanced of the proposed transfer date.
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgement that the existing permittee is liable for violations up to the date, and that the transferee is liable for violations from that date on) is submitted to the commissioner.

- c. The transferee certifies in writing to the commissioner their 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 and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the commissioner may allow a temporary transfer of the permit without the permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.
  
- d. The commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

8. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

9. Operator Certification

The permittee shall have the wastewater treatment facilities under supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 5-22.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal actions or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property right of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or an invasion of rights, any infringement of federal, state, or local laws or regulations. The issuance of the permit also 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.

13. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstances is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby if such provisions can be given effect without the invalid provision or application.

14. Inspection and Entry

Pursuant to 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the commissioner), upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a point source is located, or where records must be kept under the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times:
  - (1) any monitoring equipment or method;
  - (2) any collection, treatment, pollution management, or discharge facilities; or
  - (3) practices required or otherwise regulated under the permit.
- d. Sample or monitor at reasonable time, any discharge of pollutants or internal wastestream (where necessary to ascertain the nature of a discharge of pollutants) for the purpose of evaluating compliance with this permit or as otherwise authorized.

15. Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If the discharger modifies their existing water pollution treatment or control facility or constructs a new water pollution treatment or control facility for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environment Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality - Mail Code 65-42, Industrial NPDES Permits Section, 100 North Senate Avenue, Indianapolis, IN 46204-2251.

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for the collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(8).

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

- a. Terms as defined in 327 IAC 5-2-8(11)(A):
- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. The permittee may allow a bypass to occur that does not exceed any effluent limitations contained in this permit, but only if it is for essential maintenance to assure efficient operation. The permittee is not required to notify the Commissioner about bypasses that meet this definition. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.d and e of this permit.
- c. Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:
- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;



- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part II.B.2.e; or
  - (4) The condition under Part II.B.2.b above is met.
- d. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1.
- e. The permittee must provide the Commissioner with the following notice:
- (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
  - (2) The permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event.
- f. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.c. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;
  - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and
  - (3) The permittee complied with any remedial measures required under Part II.A.3;
  - (4) The permittee submitted notice of the upset as required in the "Twenty-Four Hour Reporting Requirements," Part II.C.3, or 327 IAC 2-6.1, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility. In this context, permit facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as outlined in 327 IAC 5-1.5.
- b. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharge. This notification applies to pollutants that are subject either to effluent limitations in Part I.A. or to notification requirements in Part II.C.9. of this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Discharge Monitoring Reports", Part I.C.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

- b. Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;
- c. Any upset that causes an exceedance any effluent limitations in the permit;

The permittee can make the oral reports 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. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. 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 Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report", whichever is appropriate, to IDEM at (317) 232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3, or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
- (1) For a corporation: by a responsible corporate officer defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation or the manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty (250) persons or having the gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a Federal, State, or local government body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - (3) The authorization is submitted to the Commissioner.
- c. Certification. Any person signing a document identified under Part II.C.7. shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels.”

- (1) One hundred micrograms per liter (100µg/l);



- (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (4) A notification level established by the Commissioner on a case-by-case basis, either at his own initiative or upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1),(2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).
- b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant which was not reported in the permit application under 40 CFR 122.21(g)(9).

Briefing Memo

May 2007

Dairy Farmers of America, Inc.  
1110 South Ninth Street  
Goshen, Indiana 46526  
Elkhart County  
NPDES Permit No. IN0055565

**A. Introduction**

Dairy Farmers of America, Inc. is applying for renewal of their NPDES permit No. IN0055565.

A five year permit is proposed.

**B. Facility Description**

The permittee operates a dairy which condenses and dries milk, churns cream into butter and packages finished products.

**C. Wastewater Sources and Treatment**

Water from the evaporation of milk (cow water) is condensed, chlorinated and stored in a stainless steel tank. The water is used for boiler make-up and cleaning solution for processing equipment. When the storage tank is full, the additional water is diverted to Outfall 001.

**D. Receiving Stream**

Unnamed drainage ditch to the Elkhart River. The discharge from Dairy Farmers of America, Inc. flows through a storm sewer into the unnamed drainage ditch. The ditch then flows about 0.5 miles before emptying into the Elkhart River. The  $Q_{7.10}$  of the unnamed ditch is 0.0 cfs.

**E. Great Lakes System Discharger Requirements**

The permittee discharges to a waterbody that has been identified as a water of the state within the Great Lakes system. As such, it is subject to the water quality standards specific to Great Lakes system dischargers as found in 327 IAC 2-1.5. These rules prohibit any action resulting in a significant lowering of water quality unless an antidegradation demonstration has been completed by the permittee and approved by this agency. According to 327 IAC 5-2-11.3(b)(1), a significant lowering of water quality occurs when there is a new or increased loading of a bioaccumulative chemical of concern (BCC) from the permitted facility, or a new or increased permit limit for a non-BCC. Because the discharge from this facility does not constitute a significant lowering of water quality as outlined in 327 IAC 5-2-11.3(b)(1), no antidegradation demonstration was required from the permittee as a part of their permit renewal application.

As required by 327 IAC 5-2-11.3(b)(2), the permit renewal (Part II.A.16.) specifically prohibits the permittee from undertaking deliberate actions that would result in new or increased discharges of BCC's or new or increased permit limits for non-BCC's without first proving that the new or increased discharge would not result in a significant lowering of water quality, or by submission and approval of an antidegradation demonstration to the IDEM.

**F. Effluent Limitations Rationale**

-Effluent Limitations Outfall 001

**DISCHARGE LIMITATIONS**

Table 1

Parameter	Quality or Loading		Units	Quality or Concentration		Units	Monitoring Measurement Frequency	Requirements Sample Type
	Monthly Average	Daily Maximum		Monthly Average	Daily Maximum			
Flow	Report	Report	MGD	-	-	-	Daily	24 Hour Total
CBOD <sub>5</sub>								
Summer	25.2	50.4	lbs/day	21.0	42.0	mg/l	2 X Monthly	Grab
Winter	57.6	115.3	lbs/day	48.0	96.0	mg/l	2 X Monthly	Grab
TSS	12.0	24.0	lbs/day	10.0	20.0	mg/l	2 X Monthly	Grab
Oil & Grease	-	12.0	lbs/day	-	10.0	mg/l	2 X Monthly	Grab
Total Residual								
Chlorine	0.012	0.024	lbs/day	0.01	0.02	mg/l	2 X Monthly	Grab
Temperature	-	-	lbs/day	-	Report	F°	2 X Monthly	Grab
Ammonia (as N)	-	-	-	Report	Report	mg/l	2 X Monthly	Grab
pH		6.0 to 9.0	Std Units				2 X Monthly	Grab

Table 2

Parameter	Quality or Concentration			Units	Monitoring Measurement Frequency	Requirements Sample Type
	Daily Minimum	Daily Maximum	Monthly Average			
Dissolved Oxygen	5.0	-	-	mg/l	2 X Monthly	Grab/24-Hr.

-Flow

Flow monitoring is to be monitored in accordance with 327 IAC 5-2-13(a)(2).

-pH

The limits for pH are taken from 327 IAC 2-1-6(b)(2).

-CBOD<sub>5</sub>, DO and TSS

The concentration effluent limitations for CBOD<sub>5</sub>, Dissolved Oxygen, and TSS have been retained from the previous permit. The anti-backsliding provision of the Clean Water Act prevent the limitations for CBOD<sub>5</sub> and TSS from being raised.

In accordance with 327 IAC 5-2-11.6(g), Great Lakes System dischargers must have corresponding mass limits (for those parameters that can appropriately be expressed in terms of mass) for concentration Water Quality-Based Effluent Limitations (WQBELs). Therefore, mass based limits for CBOD<sub>5</sub> and TSS have been included upon renewal of this permit. Mass limits are based on an effluent flow of 0.144 MGD.\*

-Oil & Grease

The limit of 10 mg/l as a daily maximum is considered sufficient to ensure compliance with the narrative water quality criteria of 327 IAC 2-1-6(a)(1)(C) that prohibits a visible oil sheen on receiving waters. No changes are proposed from the previous permit.

In accordance with 327 IAC 5-2-11.6(g), Great Lakes System dischargers must have corresponding mass limits (for those parameters that can appropriately be expressed in terms of mass) for concentration Water Quality-Based Effluent Limitations (WQBELs). Therefore, a mass based limit for Oil & Grease has been included upon renewal of this permit. The mass limit is based on an effluent flow of 0.144 MGD.\*



-Temperature

No changes are proposed from the previous permit.

-Ammonia

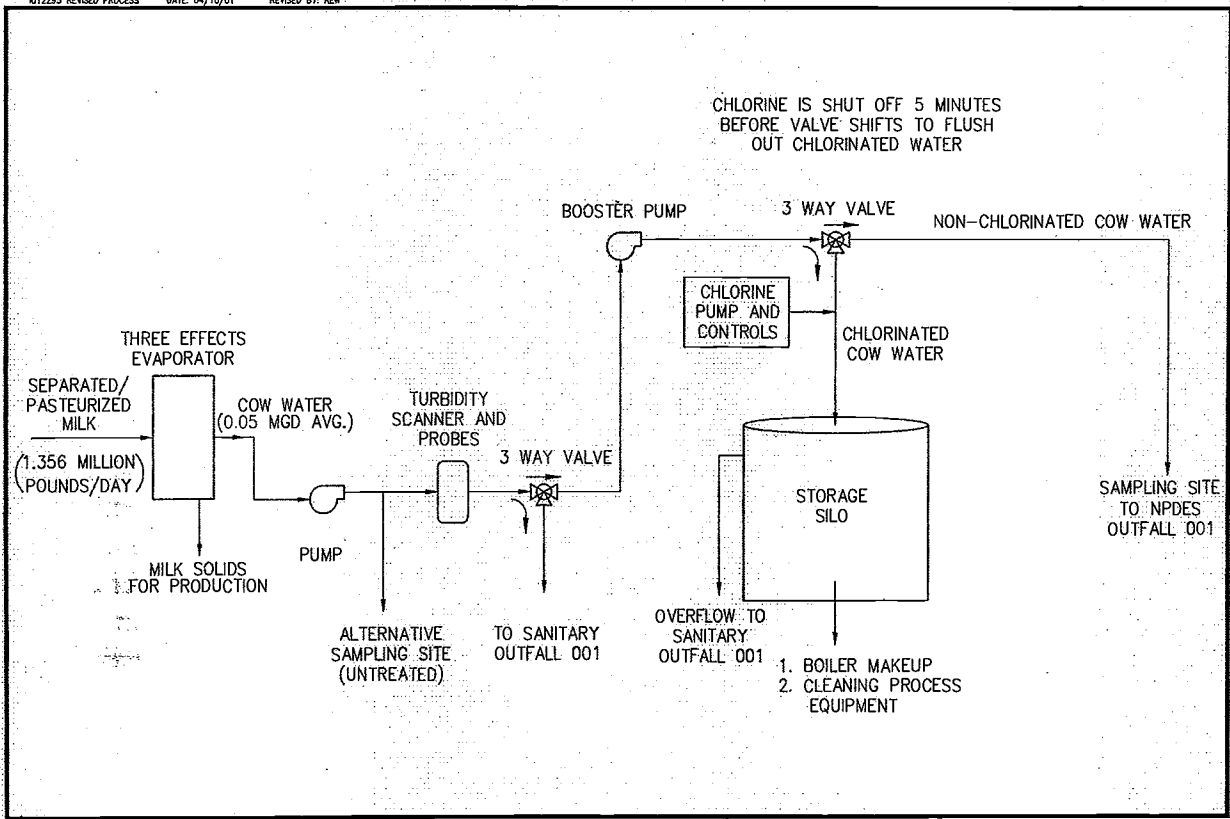
A Wasteload Allocation (WLA) Report was completed on March 16<sup>th</sup>, 2007 by the Office of Water Quality. The WLA demonstrated the facility's effluent had no reasonable potential to exceed the State of Indiana's Water Quality-Based Effluent Limitations (WQBELs) for Ammonia-N. Therefore, limits will not be included upon renewal of the permittee's NPDES Permit No. IN0055565. However, effluent data has demonstrated that Ammonia-N is a constituent of the facility's wastewater and therefore monitoring for this parameter will remain in the permit upon renewal.

-Total Residual Chlorine

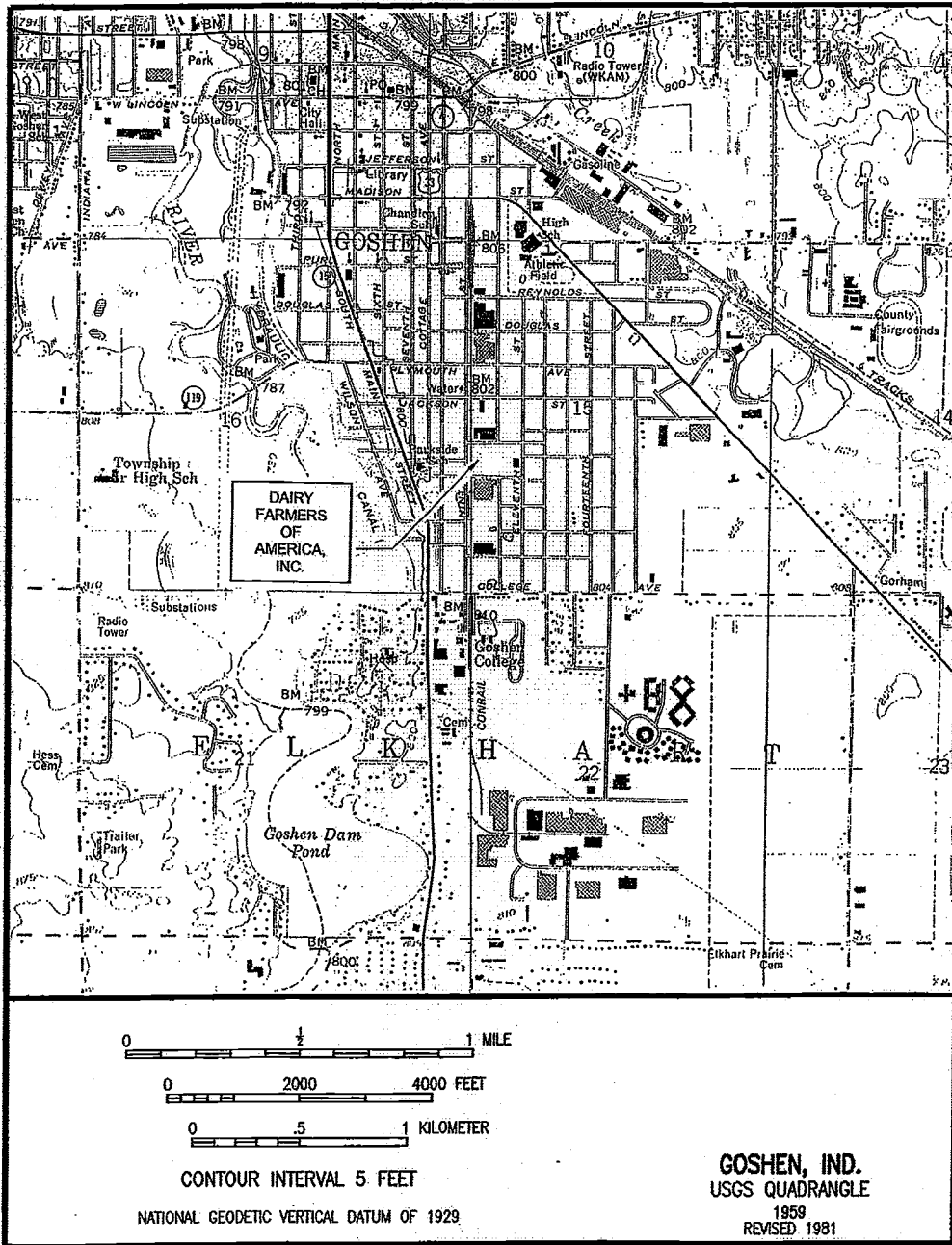
In accordance with 327 IAC 5-2-11.6(g), Great Lakes System dischargers must have corresponding mass limits (for those parameters that can appropriately be expressed in terms of mass) for concentration Water Quality-Based Effluent Limitations (WQBELs). Therefore, mass based limits for Total Residual Chlorine have been included upon renewal of this permit. Mass limits are based on an effluent flow of 0.144 MGD.\* Concentration limits remain unchanged from the previous permit.

\* The same flow used to calculate the concentration WQBELs from a wasteload allocation report dated January 1995.

Attachment I



Attachment II



STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2007 - 71 - F

DATE OF NOTICE: JULY 26, 2007

The Office of Water Quality issues the following NPDES FINAL PERMIT.

**RENEWAL**

**DAIRY FARMERS OF AMERICA WWTP**, Permit No. IN0055565, ELKHART COUNTY, 1110 South Ninth St, Goshen, IN. This industrial facility discharges 0.05 million gallons per day of condensate from milk evaporation to an unnamed ditch to the Elkhart River. Permit Writer: Matt Carmichael at 317/233-5961.

---

**APPEAL PROCEDURES FOR FINAL PERMITS**

The Final Permit is available for review & copies at IDEM, Indiana Government Center, North Bldg, 100 N Senate Ave, Indianapolis, IN, Rm 1203, Office of Water Quality/NPDES Permit Section, from 9 - 4, M - F (copies 10¢ per page). The Final Permit is also available at the local County Health Department. Please tell others you think would be interested in this matter. For information about your rights and responsibilities pertaining to the Public Notice process and timeframes, please refer to the following IDEM websites: [http://www.in.gov/idem/water/public\\_notice/index.html](http://www.in.gov/idem/water/public_notice/index.html) and <http://www.in.gov/idem/guides/publicparticipation/permits/index.html>.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC - North Building- Rm 1049  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



**PARKER HANNIFIN NPDES  
CORRESPONDENCE 05.03.2015**



## 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](http://www.idem.IN.gov)

Michael R. Pence  
*Governor*

Thomas W. Easterly  
*Commissioner*

April 15, 2015

### VIA ELECTRONIC MAIL

Mr. Ronald Allen, EHS Coordinator  
Parker Hannifin Corporation  
1525 S. 10th St.  
Goshen, IN 46526

Dear Mr. Allen:

Re: Renewal-NPDES General Permit No. ING250096  
Parker Hannifin Corporation  
1525 S. 10<sup>th</sup> St.  
Goshen, IN  
Elkhart County

Our office has received your Notice of Intent (NOI) submittal in regard to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-8, Facilities Discharging Noncontact Cooling Water. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-8.

The NPDES general permit identification number assigned to this facility in the previous approval will be reused for this approval. This number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit. The NPDES general permit number which has been assigned to this facility is **ING250096**.

Due to the fact that 327 IAC 15-8 is a permit by rule, you will NOT be receiving an actual permit. However you will be responsible for following the general rule requirements contained in 327 IAC 15-1 through 15-4 and 15-8, which were sent to you with your original approval letter. Included in general permit rule 327 IAC 15-8 is the requirement for periodic reporting of several effluent parameters. This reporting will continue to be required using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following website:

<http://www.in.gov/idem/5104.htm>

327 IAC 15 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Mr. Ronald Allen  
Page 2

Additionally, you will soon be receiving a supply of federal NPDES Discharge Monitoring Report (DMR) forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the DMR forms in a timely manner, please call this office at (317) 232-8670.

Renewal of coverage for the facility will include all outfalls listed on Attachment 1 to this correspondence. Since the expiration date of IDEM's previous approval of your facility to operate under 327 IAC 15-8 is April 30, 2015, this renewal of coverage under 327 IAC 15-8 shall become effective on May 1, 2015, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on April 30, 2020. As you are hopefully already aware, IDEM is in the process of developing a new administrative general permit for this category of dischargers. We hope to have the new general permit issued later this calendar year. The draft general permit is posted on IDEM's website at <http://www.in.gov/idem/5338.htm>.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-8-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. C. Anne Burget of our staff at (317) 234-8745.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

SLJ/cab  
cc: Elkhart County Health Department

ATTACHMENT 1

**Parker Hannifin**

NPDES PERMIT NO. **ING250096**

EFFECTIVE DATE: **May 1, 2015**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	N/A	40°, 34', 6.4"	-84°, 49', 28.3"	N/A	Goshen Water and Sewer Storm Sewer to Elkhart River

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PUBLIC NOTICE NO. 2015 – 4D -GP**

**DATE OF NOTICE: April 15, 2015**

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

**RENEWAL**

**PARKER HANNIFIN**, Permit No. ING250096, ELKHART COUNTY, Goshen, IN. This facility will discharge non-process wastewater from a non-contact cooling system to the Goshen Storm Sewer to Elkhart River. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-8, Facilities Discharging Non-Contact Cooling Water. Permit Writer: Anne Burget at 317/234-8745.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





Indiana Department of Environmental Management  
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
 327 IAC 15-8 Facilities Discharging Non Contact Cooling Water

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
	X		ING 250096	N/A

II. GENERAL INFORMATION						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.						
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY	
RONALD ALLEN			3061		Elkhart	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER			
COMPANY NAME PARKER HANNEFIN			Latitude		Longitude	
STREET ADDRESS 1525 So. 10th Street			degree	minute	second	degree
			40	34	6.4	84
CITY GOSHEN			STATE IN	ZIP CODE 46526	degree	minute
					49	28.3
c. FACILITY NAME			i. FACILITY CENTER TOWNSHIP, RANGE, SECTION, QUARTER SECTION			
PARKER HANNIFIN			Township	Range	Section	Quartersection
			Elkhart	NA	NA	NA
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId			
STREET ADDRESS 1525 So. 10th Street			STREET ADDRESS - SAME -			
CITY GOSHEN			STATE IN	ZIP CODE 46526	CITY	STATE
						ZIP CODE

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
RONALD D. ALLEN, EHS Co-ord.	CHRIS HATHAWAY
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
574-528-9561	574-528-9562
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
rdallen@parker.com	chathaway@parker.com

IV. OTHER CONTACT INFORMATION			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME	
a. CONTACT TELEPHONE NUMBER <i>Ronald A. Allen for all</i>		d. STREET ADDRESS	
b. CONTACT EMAIL ADDRESS		e. CITY	f. STATE   g. ZIP
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. COMPANY AND CONTACT PERSON NAME	
h. CONTACT TELEPHONE NUMBER		k. STREET ADDRESS	
i. CONTACT EMAIL ADDRESS		l. CITY	m. STATE   n. ZIP
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME	
o. CONTACT TELEPHONE NUMBER		r. STREET ADDRESS	
p. CONTACT EMAIL ADDRESS		s. CITY	t. STATE   u. ZIP

NA

**V. RULE QUALIFICATION:**

The purpose of this rule is to regulate the discharge of once through noncontact cooling water which is free from wastewater generated by manufacturing processes and other types of wastewater. "Once through noncontact cooling water" means cooling water that is 1) used for the sole purpose of removing unwanted heat from a process; 2) only makes one (1) pass through a unit that exchanges heat between the process and the cooling water (generally a heat exchanger); and 3) does not come into contact with raw material or manufactured product. Does this facility meet these requirements? (please check one)  YES  NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

*The facility discharges non contact cooling water as a result of the manufacturing process that removes heat from the many processes. The discharge is passed through a heat exchanger only once and does not come into contact with the raw materials.*

**VI. OUTFALL INFORMATION:**

Please fill out the following information for all outfalls. You may attach additional sheets if necessary.

a. OUTFALL NO.	b. LATITUDE			c. LONGITUDE			d. RECEIVING WATER	e. is initial discharge to storm sewer	f. IF e is Y PROVIDE MUNICIPAL OPERATOR OF STORM SEWER
	deg.	min.	sec.	deg.	min.	sec.			
001A	40	34	6.4	84	49	28.3	EIkhart River	<input checked="" type="checkbox"/> Y / <input type="checkbox"/> N	Goshen Water & Sewer
								Y / N	
								Y / N	
								Y / N	
								Y / N	
								Y / N	

**VII. ADDITIONAL OUTFALL INFORMATION:**

Please fill out the type of wastewater discharged and all water treatment additives approved for use by the Indiana Department of Environmental Management and in use at the time of this submittal. You may attach additional sheets if necessary.

a. OUTFALL NO.	b. TYPE OF WASTEWATER DISCHARGED THIS OUTFALL	c. ADDITIVES IN USE ASSOCIATED W. THIS OUTFALL
001A	Non-Contact Cooling Water	NONE

**VIII. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form is attached. ✓

Please fill out this form in its entirety and submit it with the application.

**IX. PROOF OF PUBLICATION** ✓

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day, and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-8 to discharge wastewater associated with noncontact cooling water. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice.

Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
Office of Environmental Adjudication  
Indiana Government Center – North  
100 North Senate Avenue, Room N501  
Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X. ANNUAL FEE:**

A fee is required to be submitted with this application in accordance with IC 13-18-20-12. The fee is \$50 for the initial submittal (for a new permit) or for an application for renewal or modification.

Please list amount submitted \$ 50<sup>00</sup>, attach to and submit with application. Checks or money orders shall be made payable to IDEM.

**XI. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following certification statement shall be included in the application. The authorized representative (as defined by 327 IAC 15-4-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

<u>Ronald D. Allen, EHS Co-ord.</u> Name and official title (type or print)	<u>574-528-9561</u> Area Code and phone No.
<u>Ronald D. Allen</u> Signature	<u>02/28/2015</u> Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
General Permits Coordinator  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**

**II. Please complete this form by signing the following statement.**

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.		
Signature: <i>Ronald A. Allen</i>		
Printed name: <i>Ronald A. Allen</i>	Date: <i>02/01/2015</i>	
Facility name: <i>Parker Hannifin</i>		
Facility address: <i>1525 So. 10th St., #</i>		
Facility city: <i>Cosken</i>	Facility state: <i>IN</i>	ZIP code: <i>46526</i>

**III. Type of Action (check one)**

- NPDES Permit-327 IAC 5
- Pretreatment Permit -327 IAC 5
- Construction Permit-327 IAC 3

**A \$50.00 fee is required for a New permit, a Renewal or a Modification; if this is a renewal or modification request, include NPDES permit No. on check and return to:**

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Cashiers Office – Mail Code 50-10C  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

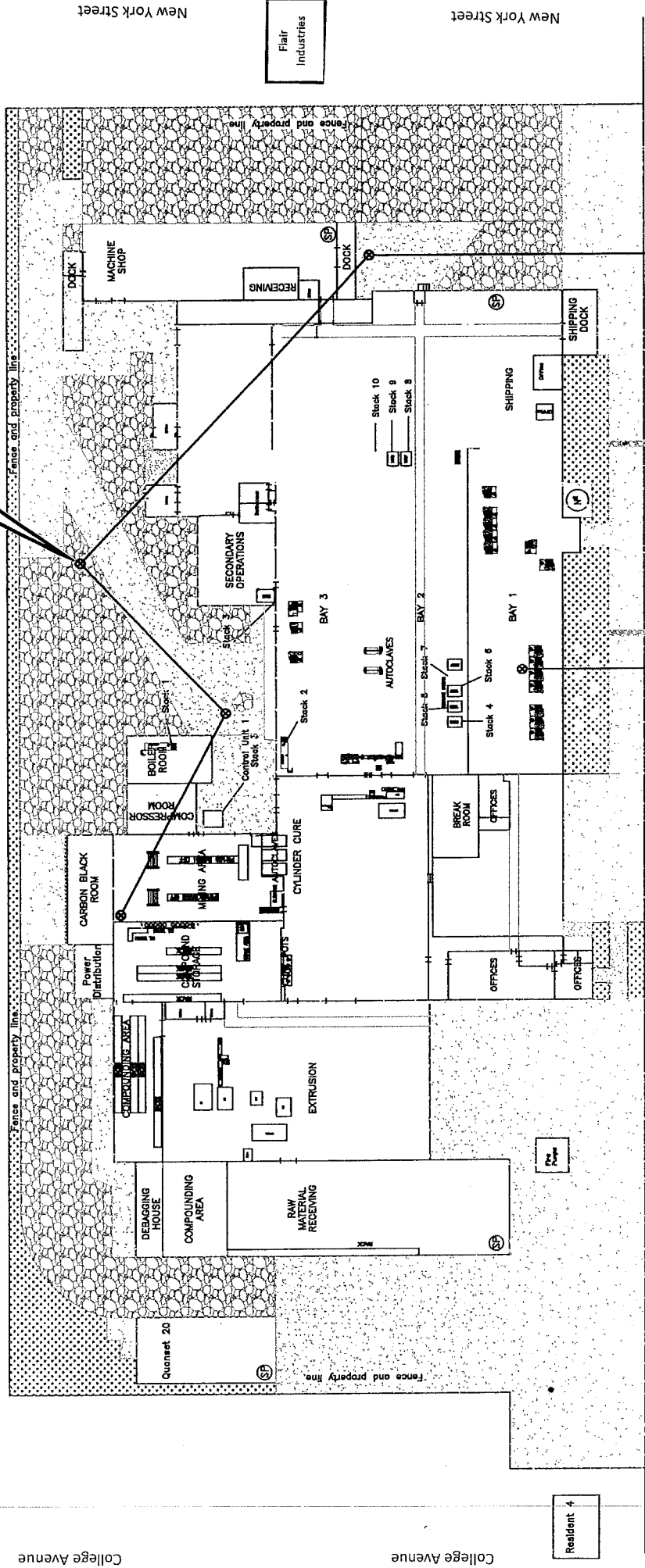
**If No Fee Is Required (Fee has previously been paid), Return To:**

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Office of Water Quality – Mail Code 65-42  
Room N1255  
Permits Branch  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251



NCC  
Outfall 001

South 8th Street  
N&S Railroad  
N&S Railroad  
N&S Railroad



College Avenue

College Avenue

Resident 4

South Tenth Street

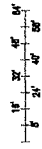
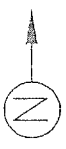
Resident 3

Resident 2

Resident 1

Iowa Street

Parking Lot



Concrete  
Gravel  
Grass  
Spill Pack

South Tenth Street

Illinois Street

Resident 5

Storm Water

New York Street

Flair Industries

New York Street