



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 27 2013

REPLY TO THE ATTENTION OF:

WN-16J

Ms. Jessica Dexter  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, Illinois 60601

Dear Ms. Dexter:

Thank you for your August 1, 2013, letter to Administrator McCarthy, in which you supplemented the December 17, 2009, petition pertaining to Indiana's National Pollutant Discharge Elimination System (NPDES) program. I am responding to that letter. The U.S. Environmental Protection Agency will add the letter to the record for the petition. As you know, EPA has been gathering information on Indiana's NPDES program in response to your petition. On May 16, 2012, after soliciting comments from the petitioners and the State, we provided you with a protocol describing our planned activities. Since that time, EPA has approved amendments to Indiana's antidegradation policy, as well as methods to implement that policy; reviewed draft permits for 21 major dischargers; and provided comments to the Indiana Department of Environmental Management (IDEM) on five draft general permits. EPA has also been reviewing the November 2012 Memorandum of Understanding on coal mining between IDEM and the Indiana Department of Natural Resources; the IDEM compliance evaluation and enforcement files for coal mines; how IDEM applied its antidegradation policy to the Jeffersonville, Austin, and McCordsville permits; and the 2012 revisions to Indiana's NPDES administrative code for concentrated animal feeding operations.

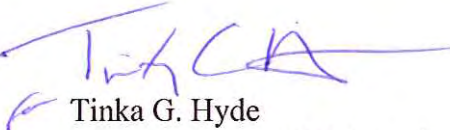
It is our understanding that IDEM plans to provide the remaining four draft general permits, including the permit for discharges from coal mines, to EPA this fall. The petitioners will have an opportunity to comment on and appeal the general permits after IDEM publishes notice of its intent to issue the permits.

For its part, Indiana has enacted statutory changes and formally solicited public comment on administrative code changes necessary to move administration of the State's NPDES general permits program from the Water Pollution Control Board (now the Water Pollution Control Division) to IDEM. The move will eliminate a conflict of interest in the program and create a system in which general permits can be reissued every five years. In addition, the Indiana regulations, at 327 Ind. Adm. Code 15-2-9(b), now allow interested persons to petition IDEM to require a source that has an existing or proposed discharge to apply for an NPDES individual permit rather than obtain an authorization under a general permit.

EPA continues to review your petition and we will respond to you in writing once we have completed our review of the issues raised in the petition as supplemented by your correspondence dated April 29, 2010, August 20, 2010, and August 1, 2013.

Thank you for your interest in protecting Indiana's waters. Please do not hesitate to contact Maria Gonzalez, Associate Regional Counsel, at (312)886-6630, if you have any questions or comments.

Sincerely,



Tinka G. Hyde  
Director, Water Division

Enclosures

cc: Bruno Pigott, IDEM



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REPLY TO THE ATTENTION OF:

WN-16J

Albert Ettinger, Esq.  
53 W. Jackson Blvd.  
Suite #1664  
Chicago, Illinois 60601

Dear Mr. Ettinger:

Thank you for your August 1, 2013, letter to Administrator McCarthy, in which you supplemented the December 17, 2009, petition pertaining to Indiana's National Pollutant Discharge Elimination System (NPDES) program. I am responding to that letter. The U.S. Environmental Protection Agency will add the letter to the record for the petition. As you know, EPA has been gathering information on Indiana's NPDES program in response to your petition. On May 16, 2012, after soliciting comments from the petitioners and the State, we provided you with a protocol describing our planned activities. Since that time, EPA has approved amendments to Indiana's antidegradation policy, as well as methods to implement that policy; reviewed draft permits for 21 major dischargers; and provided comments to the Indiana Department of Environmental Management (IDEM) on five draft general permits. EPA has also been reviewing the November 2012 Memorandum of Understanding on coal mining between IDEM and the Indiana Department of Natural Resources; the IDEM compliance evaluation and enforcement files for coal mines; how IDEM applied its antidegradation policy to the Jeffersonville, Austin, and McCordsville permits; and the 2012 revisions to Indiana's NPDES administrative code for concentrated animal feeding operations.

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Sincerely,

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Tinka G. Hyde  
Director, Water Division

Enclosures

cc: Bruno Pigott, IDEM



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REPLY TO THE ATTENTION OF:

WN-16J

Kim Ferraro, Esq.  
Hoosier Environmental Council  
150 Lincolnway, Suite 3002  
Valparaiso, Indiana 46383

Dear Mr. Ferraro:

Thank you for your August 1, 2013, letter to Administrator McCarthy, in which you supplemented the December 17, 2009, petition pertaining to Indiana's National Pollutant Discharge Elimination System (NPDES) program. I am responding to that letter. The U.S. Environmental Protection Agency will add the letter to the record for the petition. As you know, EPA has been gathering information on Indiana's NPDES program in response to your petition. On May 16, 2012, after soliciting comments from the petitioners and the State, we provided you with a protocol describing our planned activities. Since that time, EPA has approved amendments to Indiana's antidegradation policy, as well as methods to implement that policy; reviewed draft permits for 21 major dischargers; and provided comments to the Indiana Department of Environmental Management (IDEM) on five draft general permits. EPA has also been reviewing the November 2012 Memorandum of Understanding on coal mining between IDEM and the Indiana Department of Natural Resources; the IDEM compliance evaluation and enforcement files for coal mines; how IDEM applied its antidegradation policy to the Jeffersonville, Austin, and McCordsville permits; and the 2012 revisions to Indiana's NPDES administrative code for concentrated animal feeding operations.

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 Tinka G. Hyde  
Director, Water Division

Enclosures

cc: Bruno Pigott, IDEM



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REPLY TO THE ATTENTION OF:

WN-16J

Mr. Bowden Quinn  
Conservation Program Coordinator  
Sierra Club Hoosier Chapter  
1915 W. 18<sup>th</sup> Street, Suite D  
Indianapolis, Indiana 46202

Dear Mr. Quinn:

Thank you for your August 1, 2013, letter to Administrator McCarthy, in which you supplemented the December 17, 2009, petition pertaining to Indiana's National Pollutant Discharge Elimination System (NPDES) program. I am responding to that letter. The U.S. Environmental Protection Agency will add the letter to the record for the petition. As you know, EPA has been gathering information on Indiana's NPDES program in response to your petition. On May 16, 2012, after soliciting comments from the petitioners and the State, we provided you with a protocol describing our planned activities. Since that time, EPA has approved amendments to Indiana's antidegradation policy, as well as methods to implement that policy; reviewed draft permits for 21 major dischargers; and provided comments to the Indiana Department of Environmental Management (IDEM) on five draft general permits. EPA has also been reviewing the November 2012 Memorandum of Understanding on coal mining between IDEM and the Indiana Department of Natural Resources; the IDEM compliance evaluation and enforcement files for coal mines; how IDEM applied its antidegradation policy to the Jeffersonville, Austin, and McCordsville permits; and the 2012 revisions to Indiana's NPDES administrative code for concentrated animal feeding operations.

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 Tinka G. Hyde  
Director, Water Division

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