



# 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)

**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

May 17, 2022

## VIA ELECTRONIC MAIL

Jennifer M. Hess, Attorney  
Hess, Hess & Donnelson LLP  
2000 E. 116<sup>th</sup> Street, Suite 106  
Carmel, Indiana 46032

Dear Ms. Hess:

Re: Response to May 16, 2022 Letter  
Proposed Ben Davis Conservancy District  
Wastewater Treatment Facility  
Marion County

Thank you for your letter dated May 16, 2022, which you submitted in response to IDEM's May 13, 2022 request for updated financial information related to the Ben Davis Conservancy District (BDCD) antidegradation demonstration. The information IDEM requested is necessary to ensure the agency has current and accurate information to make determinations on the antidegradation demonstration, as well as the related NPDES permit (NPDES application not yet received) which would be required for this proposed facility.

Regarding potential for incurred costs/loss of funding, as was made clear in the June 28, 2021 Antidegradation Assessment letter (attached), a final determination regarding the antidegradation submittal and related NPDES permit will not be made until public input for antidegradation has been considered. This office will seek public input for antidegradation during the public participation process for the issuance of the NPDES permit. It should be noted that the public participation process and/or permit appeal process included in the rules for the issuance of NPDES permits could preclude the issuance of a permit, or alter (and possibly make more stringent) the limits that are established in the final NPDES permit.

We ask that BDCD provide a formal response regarding the financial information requested in IDEM's May 13, 2022 correspondence. We also note that additional information may be requested as processing of the antidegradation demonstration and/or NPDES permit application (if/once received) warrants. Additional information requests may stem from IDEM's technical review, or as a result of substantive public comment/participation.

Jennifer M. Hess  
Page 2

If you have any questions regarding this correspondence, please feel free to contact me at 317-233-0469, or via Email at [jdittmer@idem.in.gov](mailto:jdittmer@idem.in.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Dittmer". The signature is fluid and cursive, with the first name "Jerry" being more prominent than the last name "Dittmer".

Jerry Dittmer, Chief  
Permits Branch  
Office of Water Quality

Attachment



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Eric J. Holcomb  
Governor

Bruno Pigott  
Commissioner

June 28, 2021

## VIA ELECTRONIC MAIL

Mr. James W. Frazell, Engineer  
Triad Associates, Inc.  
5835 Lawton Loop East Drive  
Indianapolis, Indiana 46216

Dear Mr. Frazell:

Re: Antidegradation Assessment  
Proposed Ben Davis Conservancy District  
Wastewater Treatment Plant  
Marion County

Revised Preliminary Effluent Limitations (PELs) for the proposed Ben Davis Conservancy District Wastewater Treatment Plant (WWTP) were sent to your attention on October 28, 2020. Included in that letter was a requirement to provide supplementary information to fully address the antidegradation requirements of 327 IAC 2-1.3. The requested supplementary information was initially received by this office on December 18, 2020. By request, supplemental information was provided to this office on March 3, 2021; March 17, 2021; and May 3, 2021. Receipt of the complete Antidegradation Demonstration was public noticed in the Indianapolis Star on May 18, 2021. The public notice period ended on June 17, 2021. Many comments were received during the public notice period and all were in support of the proposed wastewater treatment plant on the basis of reducing future sewer costs to the residents of the District.

This Office has conducted an antidegradation assessment utilizing the supplementary materials submitted, and finds the information sufficient to proceed with NPDES permitting. The design of the facility should ensure treatment levels sufficient to consistently meet the effluent limitations as follows. A final determination will not be made until public input for antidegradation has been considered. This office will seek public input for antidegradation during the public participation process for the issuance of the NPDES permit. **It should be noted that the public participation process and/or permit appeal process included in the rules for the issuance of NPDES permits could preclude the issuance of a permit, or alter (and possibly make more stringent) the limits that are established in the final NPDES permit.**

**Preliminary Effluent Limitations for Sanitary-Type Wastewater**

Table 1

Parameter	Summer		Winter		Units
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	
CBOD <sub>5</sub>	10	15	10	15	mg/l
TSS	12	18	12	18	mg/l
Ammonia-N	1.1	1.6	1.6	2.4	mg/l
Phosphorus	1.0	----	1.0	----	mg/l

Table 2

Parameter	Daily Minimum	Monthly Average	Daily Maximum	Units
pH	6.0	----	9.0	s.u
Dissolved Oxygen	6.0	----	----	mg/l
<i>E. coli</i>	----	125	235	count/100mL

The effluent flow must be measured. The mass limits for CBOD<sub>5</sub>, NH<sub>3</sub>-N, and TSS are calculated by multiplying the average design flow (in MGD) by the concentration value and by 8.345. Summer effluent limits apply from May 1 through November 30 of each year. Winter effluent limits apply December 1 through April 30 of each year.

\*The effluent limitations for *E. coli* are 125 colonies/100 ml as a monthly average calculated as a geometric mean and 235 colonies/100 ml as a daily maximum.

**Ultraviolet light disinfection or disinfection by other non-halogen compounds is required as a consideration in antidegradation. Disinfection by chlorination or other halogen compounds will require the applicant to demonstrate that disinfection by ultraviolet light is either not technically feasible or that it is not affordable.**

If there are any questions regarding the antidegradation requirements or NPDES permit requirements, please feel free to contact Evan Fall at 317/234-3840 or at [efall@idem.in.gov](mailto:efall@idem.in.gov)

Sincerely,



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