

ATTACHMENT

**Special Discharge Agreement: U.S. Environmental Protection Agency Abandoned
Ecological Systems Inc. Site
4910 West 86th Street, Indianapolis, Indiana 46268
-Stormwater Discharge to the City of Indianapolis Sewer System-**

This is a second special agreement, issued pursuant to Section 671-12 of the Revised Code of Indianapolis and Marion County, Indiana, due to unusual and extraordinary circumstances, allowing the U.S. Environmental Protection Agency (US EPA) to temporarily discharge stormwater from the southwest portion (only) of the abandoned Ecological Systems Inc. site, located at 4910 West 86th Street, Indianapolis Indiana 46268 (ESI site) into the City of Indianapolis Sanitary Sewer System (Sanitary Sewer System). The City of Indianapolis, Department of Public Works (City) gives US EPA this second temporary approval to discharge stormwater, resulting from continued precipitation (melting snow and rain) that occurs at the abandoned ESI site for a discharge volume not to exceed 120,000 gallons. This stormwater will be referred to as "Wastewater" in this agreement. The purpose of the discharge is to maintain available capacity which may be needed by US EPA for storage and retention of stormwater volume in the event of future precipitation events.

The following requirements and conditions shall apply to this discharge:

1. **COMPLIANCE LIMITS:** The Wastewater shall be monitored and shall be compliant with the following limitations prior to discharge:

<u>Effluent Characteristic</u>	<u>Daily Maximum (mg/l)</u>
pH	5.0-12.0 S. U.
Ammonia-N	Monitor
Biochemical Oxygen Demand	Monitor
Total Suspended Solids	Monitor
Cadmium	1.2
Chromium, Total	24.0
Copper	2.2
Lead	4.7
Nickel	7.3
Zinc	38.0
Cyanide, Amenable	0.4
Total Petroleum Hydrocarbons	200
Polychlorinated Biphenyls (PCBs)	See a., below
Volatile Organic Compounds (VOC)*	Monitor
Semi-Volatile Organic Compounds (SVOC)	Monitor

*Note: Additional BTEX and MTBE testing may be requested if significant concentrations of

benzene, toluene, or ethylbenzene are reported in the VOC monitoring results.

- a. US EPA shall monitor for all of the PCB compounds listed in 40 CFR Part 136, Appendix A, Method 608. The Wastewater will not be approved for discharge to the Sanitary Sewer System if any PCB compound is detected above method detection limits.

Discharge is prohibited until the Wastewater sampling results have been reviewed and approved by City of Indianapolis representatives.

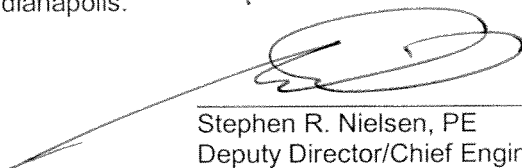
Analytical reports shall either be sent as an e-mail attachment, or by fax to:

Mr. Kim Cussen
Kim.Cussen@UnitedWater.com
Fax: 317-639-7602

2. **TEST METHODS:** Sample analysis shall be performed utilizing only EPA-approved methods listed in **40 CFR Part 136**. Test data from an unapproved method will not be accepted. Method detection limits shall be sufficiently low enough to demonstrate compliance with the daily maximum limits, or, in the case of PCB, VOC and SVOC analyses, shall adhere to the detection limits listed in the EPA methods.
3. **SAMPLING REQUIREMENTS:** Compliance samples shall be collected using EPA-approved sampling methods, appropriate for the regulated parameters.
4. **DISCHARGE POINT RESTRICTION:** The approved liquid waste shall be discharged through the existing facility discharge line that subsequently flows into the Indianapolis sanitary sewer system.
5. **DISCHARGE RATE:** During normal dry weather, the discharge rate shall not exceed **500** gallons per minute. If the city determines that this discharge rate causes interceptor surcharging or adversely impacts the sanitary sewer system at any location throughout the system, including the wastewater treatment plant, the city reserves the right to revise this condition to adequately protect the system.
6. **WET WEATHER DISCHARGE PROHIBITION:** To avoid potential downstream sanitary sewer overflows, discharge of the Wastewater is prohibited 4 (four) hours before, during, and 24 (Twenty-four) hours after $\frac{3}{4}$ (three quarters) of an inch of rainfall, or rapid snowmelt, events. The US EPA may seek guidance on this prohibition from the Industrial Pretreatment Program by calling (317) 639-7049, 639-7047 or 639-7048.
7. **NON-TRANSFERRABLE:** This special discharge agreement applies only to the US EPA, and is not transferrable.
8. **DISCHARGE EVENT REPORTING:** After receiving City approval of the sampling results, US EPA shall report to the City staff the dates and times (EST) when the US EPA will begin and finish the discharge of the Wastewater, the projected discharge flow rate, and the projected total volume of the discharge event. Reporting shall be accomplished first by telephone, then followed up with an e-mail detailing intent to discharge date(s), start and stop times (EST), discharge rate and a final email detailing discharge date(s) start and stop times (EST), discharge rate, and total discharge volume for the discharge event(s).
City contact: Mr. Kim Cussen, 317-639-7049, Kim.Cussen@UnitedWater.com.
9. **NO FEE DISCHARGE:** Due to the unusual and extraordinary circumstances associated with the ESI Site, the City has determined that it is in the best interests of the City and the citizens of Indianapolis to support the emergency clean-up efforts of the US EPA by allowing the discharge into the Sanitary Sewer System approved by this special discharge agreement to be at *no cost* to the US EPA.
10. **FUTURE DISCHARGE REQUESTS BY THE US EPA:** All future stormwater requests by the US EPA for the ESI Site will be considered by the City on a case-by-case basis and, if approved, will be the subject of subsequent special discharge agreement(s), the terms and conditions of which may be different from those terms of this agreement.

11. **RECISSION AND NOTICE:** This special discharge agreement may be rescinded at any time by the City of Indianapolis upon ten (10) days written notice to US EPA. Such notice of termination shall include the reasons for the termination.

Signed this 3rd day of January, 2011, by authority of the Director of the Department of Public Works, City of Indianapolis.

A handwritten signature in black ink, appearing to read "Stephen R. Nielsen", is written over a horizontal line. The signature is stylized with a large, circular loop at the end.

Stephen R. Nielsen, PE
Deputy Director/Chief Engineer
Department of Public Works

SPECIAL DISCHARGE APPLICATION

City of Indianapolis / United Water / Belmont AWT

A. Generator's Name and Address Anita L. Roseman, OSC U.S. EPA (SE-5J), 77 W Jackson Blvd., Chicago, IL 60604

Contact Person Anita L. Boseman Phone 312-886-6941 Fax 312-697-2041

B: Is the wastewater to be (check one): Hauled? No Discharged to the sewer? Yes X

If hauled: Hauler Company Name _____ Not Applicable _____
 Hauler Contact _____ Phone _____ Fax _____

C: Describe business activity at wastewater source. ____ U.S. EPA Removal Action as a result of ESI filing Chapter 7 Bankruptcy. Stormwater was collected from manhole SS17 & pumped into Frac Tanks for temporary storage until approved for discharge was received on December 15, 2010. To date approximately, 50,000 gallons discharged from Manhole SS17. Due to the continued precipitation (melting snow and rain) at the facility and in an effort to control off-site releases continued discharging is crucial. ____

D: List all chemicals and hazardous materials at this location _Oily water, oily sludge, fly ash, chemicals in lab currently being inventoried for consolidation & disposal_____

E: Describe the nature of the wastewater and any treatment it has received Stormwater collected in manhole SS17 from Southwest area of ESI Site

F: Annual discharge gallonage (est) 120,000 (additional) Frequency of discharges Dictated by weather, cannot discharge during precipitation events to avoid overwhelming the system

G. Attach any analytical data pertaining to the waste, including sample collection details and chain of custody forms.

H. Attach a payment of \$150.00, payable solely to The City of Indianapolis, NO FEE PAYMENT for review of this application and related materials. Send all payments and documentation to: Mr. Kim Cussen, United Water, 2700 South Belmont Avenue, Indianapolis, Indiana 46221

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 inquiry of the person or persons who manage the systems, 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. To the best of my knowledge and belief, the wastewater to be discharged does not include any hazardous waste as defined in the Resource Conservation and Recovery Act, 42 U.S.C., Section 6901 et. seq., as amended, and the regulations thereunder, or in the Indiana Environmental Management Act, I.C. 13-7-1-1 et. seq., as amended, and the regulation thereunder. I understand that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Generator's Authorized Representative Anita L. Roseman ⁰⁹³
Title On-Scene Coordinator Signature Anita L. Roseman Date 12/30/2010

If waste is to be hauled: Hauler's Authorized Representative not applicable

Title _____ Signature _____ Date _____

Once approved by authorized representatives of the City of Indianapolis and United Water, this Application, and all attachments hereto, will constitute a special agreement and arrangement within the meaning of Section 671-12 of the City of Indianapolis and Marion County Code is expressly incorporated herein.

Special Discharge Application Review – For Official Use Only

X Approved: Authorized from _____ to _____ at \$ no charge per 1000 gal.

Rejected; Reason(s) _____

TO: Richard Wise

317-327-2265

FROM: Kim Cussen

Jan. 1, 2011

EPA/ESI Special Discharge
Agreement