

STATE OF INDIANA	)		BEFORE THE INDIANA DEPARTMENT
	)	SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)		
)		
COMMISSIONER OF THE DEPARTMENT	)		Case No. 2003-13631-W
OF ENVIRONMENTAL MANAGEMENT,	)		Case No. 2003-13632-W
	)		Case No. 2004-14018-W
Complainant,	)		Case No. 2004-14143-W
	)		Case No. 2004-14203-W
v.	)		Case No. 2004-14204-W
	)		Case No. 2004-14205-W
INDIANA DEPARTMENT OF	)		Case No. 2004-14206-W
TRANSPORTATION,	)		Case No. 2004-14207-W
	)		Case No. 2005-14208-W
Respondent.	)		Case No. 2005-14650-W
	)		Case No. 2005-14655-W
	)		Case No. 2005-14660-W
	)		Case No. 2005-14662-W
	)		Case No. 2005-14663-W
	)		Case No. 2005-14671-W
	)		Case No. 2005-15311-W
	)		Case No. 2005-15312-W
	)		Case No. 2005-15314-W

AGREED ORDER

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner of the Indiana Department of Environmental Management ("Complainant") a department of the State of Indiana created by IC 13-13-1-1.

WASTEWATER TREATMENT FACILITY VIOLATIONS

2. Respondent owns and/or operates wastewater treatment facilities at the following highway rest areas and is authorized by each facility's NPDES permit to discharge pollutants to waters of the state, subject to the effluent limitations, monitoring requirements, and other conditions contained therein:
 - A. Henryville Rest Area on northbound I-65 in Clark County, NPDES Permit No. IN 0038555 (Case No. 2003-13631-W);
 - B. Henryville Rest Area on southbound I-65 in Clark County, NPDES Permit No. IN 0059439 (Case No. 2003-13632-W);
 - C. Kankakee Rest Area on northbound I-65 in Jasper County, NPDES Permit No. IN 0031275 (Case No. 2004-14143-W);
 - D. Spring Creek Rest Area on eastbound I-74 in Vermillion County, NPDES Permit No. IN 0054208 (Case No. 2004-14203-W);
 - E. Wolcott Rest Area on northbound I-65 in White County, NPDES Permit No. IN 0052426 (Case No. 2004-14204-W);
 - F. Flat Creek Rest Area on southbound I-69 in Huntington County,

NPDES Permit No. IN 0031453 (Case No. 2004-14205-W);

- G. Flat Creek Rest Area on northbound I-69 in Huntington County, NPDES Permit No. IN 0031364 (Case No. 2004-14206-W);**
 - H. Pigeon Creek Rest Area on southbound I-69 in Steuben County, NPDES Permit No. IN 0052043 (Case No. 2004-14207-W);**
 - I. Arcola Rest Area on U.S. Highway 30, five miles west of Fort Wayne in Allen County, NPDES Permit No. IN 0034444 (Case No. 2004-14208-W);**
 - J. Clear Creek Welcome Center on I-70 in Vigo County, NPDES Permit No. IN 0056154 (Case No. 2005-14650-W);**
 - K. Waynetown Rest Area on eastbound I-74 in Fountain County, NPDES Permit No. IN 0031500 (Case No. 2005-14663-W);**
 - L. Lanesville Welcome Center on westbound I-64 in Harrison County, NPDES Permit No. IN 0045942 (Case No. 2005-14662-W);**
 - M. Pipe Creek Rest Area on northbound I-69 in Delaware County, NPDES Permit No. IN 0031356 (Case No. 2005-14671-W);**
 - N. Centerville Rest Area on eastbound I-70 in Wayne County, NPDES Permit No. IN 0031321 (Case No. 2005-15311-W);**
 - O. Lebanon Rest Area on I-65 in Boone County, NPDES Permit No. IN 0034428 (Case No. 2005-15312-W);**
 - P. Black River Welcome Center on I-64 in Posey County, NPDES Permit No. IN 0045837 (Case No. 2005-15314-W).**
- 3. The Indiana Department of Environmental Management (“IDEM”) has jurisdiction over the parties and the subject matter of this action.**
 - 4. The Respondent waives issuance of a Notice of Violation and the settlement period of sixty (60) days as provided for by IC 13-30-3-3.**
 - 5. Pursuant to IC 13-30-2-1, a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor either alone or in combination with contaminants from other sources, into the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws.**
 - 6. Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain, or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that causes or contributes to a polluted condition of any waters, as determined by a rule of the board adopted under IC 13-18-4-1 and IC 13-18-4-3.**
 - 7. Pursuant to 327 IAC 2-1-6(a)(1), 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 municipal, industrial, agricultural, and other land use practices, or other discharges:**
 - 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; and
 - E. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
8. Pursuant to 327 IAC 5-2-2, any discharge of pollutants into waters of the state as a point source discharge, except for exclusions made in 327 IAC 5-2-4, is prohibited unless in conformity with a valid NPDES permit obtained prior to the discharge.
 9. Pursuant to 327 IAC 5-2-8(1) and Part II.A.1 of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to comply with all terms and conditions of the Permits.
 10. Pursuant to 327 IAC 5-2-8(3) and Part II.A.2 of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in the permits, including such accelerated and additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
 11. Pursuant to 327 IAC 5-2-8(8) and Part II.B.1 of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to operate all waste collection, control, treatment, and disposal facilities in a manner such that, at all times, all facilities shall be maintained in good working order and operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Additionally, the Respondent is required to provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of each permit.
 12. Pursuant to 327 IAC 5-2-8(9), 327 IAC 5-2-13, and Part II.C.2 of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to report monitoring results at the intervals and in the form specified in "Data On Plant Operation" in Part I.B.2 of each of the NPDES permits.
 13. Pursuant to 327 IAC 5-2-12 and Part I.D of each of the Respondent's NPDES permits for the waste water treatment plants ("WWTPs") at the Henryville Rest Area on southbound I-65; the Henryville Rest Area on northbound I-65; the Kankakee Rest Area; the Wolcott Rest Area; the Pigeon Creek Rest Area; the Clear Creek Welcome Center; the Lanesville Welcome Center; and the Pipe Creek Rest Area, the Respondent was required to submit written progress reports to IDEM including, among other items, a description of the method(s) selected for meeting the final effluent requirements contained in each permit by the date specified in each permit. If construction was required, the Respondent was required to submit a construction permit application for complying with the final effluent requirements, initiate construction, submit written progress report, complete construction, and comply with all final requirements, by the dates specified in each permit. Pursuant to 327 IAC 5-2-8(10)(A) and Part I.D of each of the NPDES permits for the WWTPs noted in this paragraph, if the Respondent failed to comply with any date in the schedule by more than fourteen (14) days, the Respondent was required to submit written notice of noncompliance to IDEM delineating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.
 14. Pursuant to Part I.A of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to comply with the effluent limitations and monitoring requirements contained in the NPDES Permits that are applicable to the discharges from the outfalls identified in each permit.
 15. Pursuant to Part I.B of each of the NPDES permits noted in Paragraph No. 2, the Respondent is required to comply with the monitoring and reporting requirements contained in each of the NPDES permits. Part I.B.3 of the permits requires that Discharge Monitoring Reports ("DMRs") and Monthly Reports of Operation ("MROs") shall be submitted to IDEM postmarked no later than the 28th day of the month following each completed monitoring period. Part I.B.8 of each of the NPDES permits noted in Paragraph No. 2 requires that all records and information resulting from the required monitoring activities shall be retained for a minimum of three (3) years, and in cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility.

16. IDEM records, including DMRs, MROs, and/or letters submitted by the Respondent, for the period from January 1, 2003 through February 28, 2006, and inspections conducted by IDEM staff from August 1, 2002 through May 31, 2005, indicate that the Respondent failed to comply with the above-referenced environmental statutes, rules, and NPDES permit provisions of the above-noted wastewater treatment facilities, as follows:

A. Inspections were conducted by IDEM staff at the Henryville Rest Area on northbound I-65, on October 6, 2003, and May 12, 2005. Additionally, IDEM staff conducted a record review of DMRs and MROs submitted by the Respondent for the Henryville Rest Area on northbound I-65 from July 1, 2003 through February 28, 2006.

- i. During the October 6, 2003, inspection it was observed that sludge deposits were in the receiving waters; the effluent was unsatisfactory; a heavy floating sludge covered the surface of the final clarifier; and sludge was present both in the final weir trough and in the ultraviolet ("UV") disinfection channel. It was also observed that both pumps in the surge tank were out of service and a portable pump was being used, and the sand filter was not functional and was being bypassed. Additionally, no sampling records were found on site; the Dissolved Oxygen ("D.O.") and pH were not being tested on site, but were being taken to another site for analysis with no chain-of custody records maintained on site; the August 2003 DMR and MRO were not on site; and the July 2003 DMR and MRO appeared to have been submitted late.
- ii. During the May 12, 2005, inspection it was observed that sampling was not being performed in the manner required by the NPDES permit. Grab samples were being taken instead of the required flow-proportioned composite samples; sample times were not being recorded; and D.O. was not being tested at the frequency required by the permit.
- iii. The record review of Respondent's DMRs and MROs indicated that the Respondent violated the effluent limitations at the Henryville Rest Area on northbound I-65 as follows:
 - a. the daily minimum D.O. effluent requirement was violated during July and August 2003;
 - b. the weekly average concentration and/or monthly average concentration for total suspended solids ("TSS") effluent limitation were violated during July, September, October, and November 2003; February, July, September, October, November, and December 2004; and July, November, and December 2005; and
 - c. the daily maximum and/or monthly average effluent limitation for *E.coli* were violated during July, August, September, and October 2003; April, May, June, July, August, and September 2004; and May, June, July, August, and September of 2005.
- iv. *The record review indicated that the Respondent failed to ensure that E.coli sample analyses were performed in accordance with allowable methods required by Part 1.A.1 of the NPDES permit.*
- v. *The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.*

The Respondent has indicated that on November 22, 2005, it completed the installation of a subsurface sanitary sewer pipe linking the sanitary sewer from the Henryville Rest Area on the southbound side of the interstate to the Henryville Rest Area WWTP on the northbound side. The Respondent is now complying with the sampling procedure requirements at the Henryville north bound WWTP, however, the Respondent also has secured and plans on installing an automated composite sampling device at this WWTP in 2006. Two new surge tank pumps were installed at the northbound WWTP on February 10, 2006.

Additionally, the WWTP will be reconfigured again so as to conform with its original flow design. If it remains difficult for the WWTP to achieve and maintain compliance with its effluent limitations, Respondent will install a return activated sludge cross-over ("RASCO")

treatment system similar to the improvements it has completed at several other of its rest stop WWTPs and operate the Henryville Rest Area WWTP in a similar manner. The Respondent held a pre-construction meeting with the contractor on March 6, 2006, and the Respondent expects to complete the improvements by the end of 2006. Upon completion and start-up of these improvements, the Respondent expects the WWTP on the northbound side of I-65 will be in full compliance with its NPDES permit effluent limitations.

The Respondent has also developed a new standard operating procedure ("WWTP SOP") which covers, among other things, sampling requirements, chain-of-custody records, submission of DMRs and MROs, testing for D.O. and pH. The WWTP SOP was adapted and implemented for all INDOT WWTPs on April 3, 2006. The WWTP SOP specifically sets forth the Standard Methods that are to be performed for E.coli sample analyses, and addresses notifications that are to be made to IDEM including Notices of Noncompliance with effluent limitations.

The Respondent expects the above-noted WWTP improvements and the implementation of the WWTP SOP will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

- B.** *Inspections were conducted by IDEM staff at the Henryville Rest Area on southbound I-65, on October 6, 2003, and May 12, 2005. Additionally, IDEM staff conducted a record review of DMRs and MROs submitted by the Respondent for the Henryville Rest Area on southbound I-65 from July 1, 2003 through February 28, 2006.*
- i. During the October 6, 2003, inspection it was observed that sludge deposits were in the receiving waters, the receiving waters were brown in color due to sludge being discharged from the plant, and the effluent was turbid and brown. A heavy floating sludge covered the surface of the final clarifier, and sludge was in the final weir and in the UV channel. The aerators had been out of service for some time and the sand filter was out of service and was being bypassed. Additionally, no sample records were found on site and the D.O. and pH were not being tested on-site, but were being taken to another site for analysis with no chain of custody records maintained on-site. The August 2003 DMR and MRO were not on-site and the July 2003 monthly reports were submitted late.*
 - ii. During the May 12, 2005, inspection it was observed that the wastewater treatment plant was rusting and the grating was dangerous to walk on in some places. Sampling was not being done in the manner required by the permit. Grab samples were being taken instead of the required flow proportioned composite samples; sample times were not being recorded; and D.O. was not being tested at the frequency required by the permit.*
 - iii. The record review indicated that the Respondent violated:*
 - a. the daily minimum D.O. effluent requirement was violated during July and August 2003;*
 - b. the weekly average concentration and/or monthly average concentration for TSS effluent limitations were violated during July, August, September, October, November, and December 2003; February, May, June, and November 2004; and February, March, April, May, June, July, and November 2005; and*
 - c. the daily maximum and/or monthly average effluent limitation for E.coli was violated during July, August, September, and October 2003; April, May, July, August, September, and October 2004; and May, June, July, August, September, and October 2005.*
 - iv. The record review indicated that the Respondent failed to ensure that E.coli sample analyses were performed in accordance with allowable methods required by Part 1.A.1 of the NPDES permit.*
 - v. The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.*
 - vi. The Respondent contends that the Henryville Rest Area WWTP on southbound I-65 is now closed. The southbound WWTP stopped receiving influent in November of 2005 and the wastewater is being discharged to the Henryville Rest Area WWTP on northbound I-65. The*

Respondent applied to IDEM to void the NPDES permit for the Henryville Rest Area WWTP on southbound I-65 on March 17, 2006.

An outline of the closure plan for this WWTP was included with the application to void the NPDES permit. Under the closure plan, within sixty (60) days of the Respondent's receipt of IDEM's notification voidance the southbound WWTP's NPDES permit, any wastewater remaining in the tanks will be pumped out and either treated at the northbound plant or hauled to a municipal WWTP. Holes will be cut in the walls and floors of the empty tanks, and the tanks will be filled to grade. The WWTP plant will be closed by the end of 2006.

- C. Inspections were conducted by IDEM staff at the Kankakee Rest Park (a/k/a Roselawn Rest Area) on August 15, 16, 27, and 28, 2002; and May 11 and July 18, 2005. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Kankakee Rest Park from July 1, 2003 through February 28, 2006.**
- i. During the August 27 and 28, 2002, inspections it was observed that the plant operations were unsatisfactory; the tertiary settling polishing ponds were full of sludge with vegetation growing; equipment was out of service; the laboratory area was cluttered with boxes, equipment, and junk; and the laboratory records were inadequate and incomplete. The ammonia concentration in the effluent was excessive and potentially toxic enough to cause severe damage to aquatic life. The self-monitoring program was unsatisfactory due to the Respondent's failure to submit reports of non-compliance as required by Part C.3 of the NPDES permit; MROs, DMRs, and laboratory reports were not available for May, June, July, and August 2002; MROs that were available were incomplete; and information for each sample or measurement taken pursuant to the requirements of the permit were not available. Additionally, the Respondent had not complied with the schedule contained in Part I.D of the Permit which required the Respondent to submit to IDEM progress reports, a construction permit application, initiate construction, and to achieve compliance with all final effluent limits.**
 - ii. During the May 11, 2005, inspection it was observed that the receiving waters were unsatisfactory due to the discharge from the treatment facility causing algae and duck weed growth and numerous effluent violations. One of the blowers was out of service and there were many unapproved temporary piping modifications. The records were unsatisfactory because the Respondent had failed to provide written non-compliance notifications, although it was noted that the Respondent had subsequently begun submitting non-compliance notifications as required. The flow meter had not been calibrated within the prior year as required. The Respondent had failed to comply with the compliance schedule in Part I.D. of the Permit which required the Respondent to submit to IDEM progress reports; submit a construction permit application; initiate construction; and to achieve compliance with all final effluent limits.**
 - iii. During the July 18, 2005, inspection it was observed that the receiving waters were unsatisfactory due to excessive algae growth and duck weed in the receiving stream, indicating excessive nutrient discharges. Numerous effluent violations were noted and it was observed that the Respondent had failed to take reasonable steps to minimize the adverse impact from the non-complying discharges. The operations and maintenance and the self-monitoring program at the facility were rated as unsatisfactory and the Respondent had failed to provide written non-compliance notifications within five (5) days of becoming aware of the violations, or at the time of the submittal of the MROs. The flow meter had not been calibrated within the last year as required by the Permit and the Respondent had failed to comply with the Permit's compliance schedule to meet the final effluent limitations.**
 - iv. The record review indicated that the Respondent violated the effluent limitations at the Kankakee Rest Park on northbound I-65 as follows:**
 - a. the daily minimum D.O. effluent requirement was violated during November 2003; May, June, and September 2004; and May and August 2005;**
 - b. the weekly average concentration and/or monthly average concentration for TSS effluent limitation was violated during August and December 2003; November 2004; and April and May 2005; and**

c. *the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, for ammonia-nitrogen effluent limitation was violated during July, August, September, November, and December 2003; January, February, March, April, May, June, July, August, September, November, and December 2004; January, February, March, April, May, June, July, August, October, November, and December 2005; and January and February 2006.*

v. *The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.*

The Respondent installed initial treatment system improvements to improve ammonia control at its Kankakee Rest Park (a/k/a Roselawn Rest Area) WWTP in August of 2005. The WWTP operated in compliance with its NPDES permit effluent parameters until winter began and patronage dropped. Installation of further modifications to the RASCO system for further ammonia control was completed and put into operation on January 15, 2006.

For a period of time, all discharge was halted by INDOT pending the WWTP attaining compliance with its NPDES permit effluent parameters. On February 21, 2006, the wastewater held in the plant settling ponds and other plant processes was treated for ammonia using chlorination and subsequent de-chlorination procedures, and the Respondent resumed discharge from the WWTP. Laboratory data show that the plant was in compliance with its NPDES permit effluent parameters during the last week of February 2006.

The Respondent has adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above at the Kankakee Rest Park WWTP. The WWTP SOP addresses sludge management, equipment maintenance and calibration, laboratory upkeep, recordkeeping, regulatory reporting, sampling and sample management, construction permitting, and a number of other issues associated with WWTP management.

The Respondent expects the above-noted treatment plant improvements and the implementation of the WWTP SOP will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

D. *An inspection was conducted by IDEM staff at the Spring Creek Rest Area (a/k/a Spring Creek Welcome Center) on June 10, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Spring Creek Rest Area from July 1, 2003 through February 28, 2006.*

i. *During the June 10, 2003, inspection solids were observed in the receiving stream and in the discharge outfall. It was also observed that the pumps in the equalization basin were not operational; the UV disinfection unit was not operating at the time of the inspection; the polishing ponds and the UV chamber were covered with sludge floating on top; and the flow meter did not register total flow.*

ii. *The record review indicated that the Respondent violated the effluent limitations at the Spring Creek Rest Area as follows:*

a. *the daily minimum D.O. effluent requirement was violated during July, August, September, October, and November 2003; January, February, and November 2004; and June, July, August, September, October, and November 2005;*

b. *the weekly average concentration and/or monthly average concentration for TSS effluent limitation was violated during September and November 2003; February, September, November, and December 2004; and January, February, March, August, September, October, and December 2005;*

c. *the weekly average concentration and loading, and/or the monthly average concentration and/or loading, for ammonia-nitrogen effluent limitation were violated during July, August, September, and October 2003; March, April, May, June, July,*

August, September, October, November, and December 2004; January, February, March, April, May, June, July, August, October, November, and December 2005; and January and February 2006; and

d. the daily maximum and monthly average effluent limitation for E.coli were violated during July, August, September, and October 2003; August and October 2004; and April, May, June, and September 2005.

iii. The record review indicated that the DMRs and MROs for the months of July, October, and November 2004 were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.

The Respondent has indicated that it has completed the installation of several elements of a RASCO-type treatment system to improve treatment at the Spring Creek Rest Area WWTP. The Respondent plans to complete its installation and initiate operation of the modified treatment system by the end of August 2006. The Respondent has also completed the installation of a precipitation gauge with electronic monitoring and an updated ultraviolet disinfection process. The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above which will address the operational, maintenance, and other deficiencies noted above.

The Respondent expects the above-noted treatment plant improvements and the implementation of the WWTP SOP will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

E. An inspection was conducted by IDEM staff at the Wolcott Rest Area on June 18, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Wolcott Rest Area from July 1, 2003 through February 28, 2006.

i. During the June 18, 2003, inspection IDEM staff observed that the discharge from the facility had a noticeable amount of suspended solids being discharged. It was also observed that the UV disinfection system was not working at the time of the inspection; the flow meter was not in operation; and weeds and cattails were growing in the clarifiers and polishing tanks. The clarifiers, polishing tanks, and aeration tank were covered with sludge. At the time of the inspection, the DMRs and MROs for September 2002 and March 2003 had not been submitted; there were no current DMRs and MROs on site; and the last sampling records were from December 2001. A review of the records on site indicated that for several months the raw and intermediate processes were not sampled or recorded on the MROs. Additionally, the MROs were not signed by an operator with a valid certification by IDEM.

ii. The record review indicated that the Respondent violated the effluent limitations at the Wolcott Rest Area as follows:

a. the monthly average concentration for TSS effluent limitation during September 2003;

b. the weekly average concentration and loading, and the monthly average concentration and loading, for ammonia-nitrogen effluent limitation during September and October 2003; and November 2005; and

c. the daily maximum and monthly average effluent limitation for E.coli were violated during August, September, and October 2003.

iii. The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.

Respondent contends that sludge was pumped out of the polishing ponds at the Wolcott Rest Area WWTP on February 20, 2006. The Respondent has indicated that, with the exception of the exceedance of its ammonia-nitrogen effluence limitations during November 2005, the WWTP has been operating in compliance with its NPDES permit effluent parameters, including its ammonia-nitrogen limitations, and therefore no modifications to the

WWTP are planned at this time.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Wolcott Rest Area WWTP and expects the implementation of the WWTP SOP, including adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

F. *Inspections were conducted by IDEM staff at the Flat Creek Rest Area on southbound I-69 on March 4, 2003, and September 29, 2004. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Flat Creek Rest Area on southbound I-69 from July 1, 2003 through February 28, 2006.*

- i. During the March 4, 2003 inspection, IDEM staff observed that there was sludge in the receiving stream. A review of records on site indicated that only one (1) grab sample was being taken for the weekly sample for ammonia-nitrogen, while the permit requires that two (2) grab samples are to be collected over equal time intervals during the period of operator attendance, and it was observed that the operator was not using an approved sample analysis method for final ammonia-nitrogen samples. Additionally, the raw influent flow sampling and unit treatment process sampling were not being performed with the required frequency, and "manhours" and "rain data" were not being reported on MROs.*
- ii. During the September 29, 2004, inspection IDEM staff observed that there was a sludge build up in the receiving stream and sludge needed to be removed from the final treatment ponds. It was also noted that raw influent flow was not being monitored for pH; some unit treatment process parameters were not being monitored; "manhours" and "rain data" were not being reported on MROs; and the required two (2) grab samples for D.O. were not being collected on days when D.O. samples were taken.*
- iii. The record review indicated that the Respondent violated the effluent limitations at the Flat Creek Rest Area on southbound I-69 as follows:*
 - a. the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, for TSS effluent limitation was violated during June and November 2003;*
 - b. the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, for ammonia-nitrogen effluent limitation was violated during July, August, September, October, and December 2003; January, February, March, April, May, June, August, September, October, November, and December 2004; and March, April, May, June, July, August, September, October, November, and December 2005; and*
 - c. the daily maximum and monthly average effluent limitation for E.coli was violated during June and August 2004; and July and September 2005.*
- iv. The record review indicated that the DMRs and MROs for the months of January, February, March, July, August, September, October, and November 2004; and March, June, July, August, September, October, and November 2005, were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.*

The Respondent has indicated that a RASCO-type treatment system modification, designed to help with ammonia control, was completed at the Flat Creek Rest Area on southbound I-69 on December 11, 2005. Laboratory data show that WWTP has been operating in compliance with its NPDES permit effluent parameters since January 4, 2006.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Flat Creek Rest Area on southbound I-69 and expects the above-noted improvements and the implementation of the WWTP SOP will address the above-noted sampling, monitoring, and reporting deficiencies, and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

Inspections were conducted by IDEM staff at the Flat Creek Rest Area on northbound I-69 on March 4, 2003, and September 29, 2004. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Flat Creek Rest Area on northbound I-69 from July 1, 2003 through February 28, 2006.

During the March 4, 2003, inspection IDEM staff observed that there was sludge in the receiving stream. A review of records on site indicated that only one (1) grab sample was being taken for the weekly sample for ammonia-nitrogen, while the permit requires that two (2) grab samples are to be collected over equal time intervals during the period of operator attendance, and it was observed that the operator was not using an approved sample analysis method for final ammonia-nitrogen samples. Additionally, the raw influent flow sampling and unit treatment process sampling were not being performed with the required frequency.

During the September 29, 2004 inspection, IDEM staff observed that there was a sludge build up in the receiving stream; and sludge needed to be removed from the final treatment ponds. It was also noted that additional sampling for pH was required for raw influent flow; some unit treatment process parameters were not being monitored; "manhours" and "rain data" were not being reported on MROs; and the required two (2) grab samples for D.O. were not being collected on days when D.O. samples are taken.

The record review indicated that the Respondent violated the effluent limitations at the Flat Creek Rest Area on northbound I-69 as follows:

the weekly average concentration and loading, and/or the monthly average concentration and loading, for ammonia-nitrogen effluent limitation was violated during July, August, September, October, November, and December 2003; February, March, April, May, June, July, August, September, October, November, and December 2004; January, February, April, May, June, July, September, October, November, and December 2005, and February 2006; and

the daily maximum and monthly average effluent limitation for E.coli were violated during July and August 2004; and May and August 2005.

The record review indicated that the DMRs and MROs for the months of January, February, March, July, August, September, and November 2004; and March, June, July, August, September, October, and November, 2005, were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.

The Respondent has indicated that a RASCO-type treatment system modification, designed to help with ammonia control, was completed at the Flat Creek Rest Area on northbound I-69 on December 11, 2005. Laboratory data show that WWTP operating in compliance with its NPDES permit effluent parameters from January 4, 2006, until February 15, 2005.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Flat Creek Rest Area on northbound I-69 and expects the above-noted improvements and implementation of the WWTP SOP will address the above-noted sampling, monitoring, and reporting deficiencies, and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

G. *An inspection was conducted by IDEM staff at the Pigeon Creek Rest Area on southbound I-69 on March 3, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Pigeon Creek Rest Area on southbound I-69 from July 1, 2003 through February 28, 2006.*

i. *During the March 3, 2003 inspection, IDEM staff determined that records that are required to be maintained at the site were maintained at the Respondent's Fort Wayne district office, and were not at the Pigeon Creek Rest Area.*

ii. *The record review indicated that the Respondent violated the effluent limitations at the*

Pigeon Creek Rest Area on southbound I-69 as follows:

- a. **the weekly average concentration and loading TSS effluent limitation was violated during February and March 2004;**
 - b. **the weekly average concentration and loading, and/or the monthly average concentration and loading, ammonia-nitrogen effluent limitation was violated during July, October, November, and December 2003; January, February, March, May, June, July, September, October, and December 2004; April, May, August, September, October, November, and December 2005; and January and February 2006;**
 - c. **the monthly average concentration for phosphorus was violated during July, August, September, October, and November 2003; July, August, September, October, and November 2004; January, February, March, April, May, July, August, September, October, November, and December 2005; and January and February 2006; and**
 - d. **the daily maximum and monthly average effluent limitation for E.coli were violated during May and June 2004; and April, August, and October 2005.**
- iii. **The record review indicated that the DMRs and MROs for the months of January, February, March, July, August, September, and November 2004, and March, June, July, August, September, October, and November 2005 were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.**
- iv. **The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.**

The Respondent has indicated that it has completed the preliminary design of a RASCO-type treatment system to improve phosphorous and ammonia treatment at the Pigeon Creek Rest Area WWTP. The Respondent plans complete its installation and initiate operation of the modified treatment system by the end of 2006.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Pigeon Creek Rest Area WWTP and expects the above-noted improvements, when complete, and implementation of the WWTP SOP will address the above noted records deficiencies, and along with adequate sludge management, will ensure that the WWTP achieves and maintains compliance with its NPDES permit effluent limitations.

- H. **IA**n inspection was conducted by IDEM staff at the Arcola Rest Area on March 3, 2003, and October 13, 2004. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Arcola Rest Area from July 1, 2003 through February 28, 2006.
- i. **During the March 3, 2003, inspection it was noted that a portable pump was being used for the influent until new pumps were to be installed and one of the two blowers for the WWTP was out for repairs. E.coli violations were noted to have occurred and additional UV disinfection lights were recommended. Additionally, a copy of the NPDES permit was not at the site.**
 - ii. **During the October 13, 2003, inspection it was noted that E.coli and other effluent violations had occurred; the sludge holding tank was near capacity and was not aerated; and there was no alternative power source available. Additionally, the facility had only one blower. IDEM staff noted that two (2) blowers are needed to be maintained at the WWTP pursuant to 327 IAC 5-2-8(8) in case one of the blowers malfunctions. The Respondent notified IDEM on January 4, 2005, that its policy is that if power failure occurs, rest areas are closed for facility usage and, in addition, that the facility had been improved with the second blower.**
 - iii. **The record review indicated that the Respondent violated the effluent limitations at the Arcola Rest Area as follows:**
 - a. **the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, for ammonia-nitrogen effluent limitation were violated**

during July, September, October, November, and December 2003; February, May, June, July, August, September, October, November, and December 2004; January, February, April, June, July, August, September, October, and November, 2005; and January 2006; and

- b. **the daily maximum and/or monthly average effluent limitation for E.coli were violated during July and September 2003; June and July 2004; and July and August, 2005.**
- iv. **The record review indicated that the DMRs and MROs for the months of January, February, March, July, August, September, and November 2004; and March, June, July, August, September, October, and November, 2005, were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.**

The Respondent is planning to replace some grating at the facility in the spring of 2006 for safety reasons. However, the Respondent has indicated that it is considering closing the Arcola Rest Area and its WWTP and therefore no significant modifications to the WWTP are proposed at this time. The Respondent shall notify IDEM by the end of 2006 regarding its decision to close the Arcola Rest Area WWTP. If it is decided that the WWTP will remain open, a schedule to make the necessary improvements will be developed and submitted to IDEM for review and approval by the end of 2006.

The Respondent has adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Arcola Rest Area WWTP and expects implementation of the WWTP SOP will address the above-noted operational, management, records, and reporting deficiencies, and along with adequate sludge management, will ensure that the WWTP is operated as efficiently as possible until a decision is made as to whether the facility will be upgraded and remain open or will be closed.

- I. **Inspections were conducted by IDEM staff at the Clear Creek Welcome Center on March 19, 2003, and July 12, 2005. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Clear Creek Welcome Center from July 1, 2003 through February 28, 2005.**
 - i. **During the March 19, 2003, inspection IDEM staff observed that the receiving stream contained solids and solids needed to be removed from the final polishing pond. Raw influent and process control tests were not being performed as required by the permit; final flow measurement was not being performed; and a sample log and work log needed to be developed. IDEM staff also noted several effluent violations had occurred.**
 - ii. **During the July 12, 2005, inspection IDEM staff observed that the effluent limitations for E.coli were violated during April and May of 2005, and the ammonia effluent limitations were violated during January, February, and March of 2005.**
 - iii. **The record review indicated that the Respondent violated the effluent limitations at the Clear Creek Welcome Center as follows:**
 - a. **the daily minimum D.O. effluent requirement was violated during July, August, September, and October 2003; March, April, May, June, and November 2004; and January, February, March, and July 2005;**
 - b. **the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, TSS effluent limitations were violated during July, August, September, and December 2003; and January, February, and May 2004;**
 - c. **the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitation was violated during August, September, October, November, and December 2004; and January, February, March, June, July, and August 2005;**
 - d. **the daily maximum and/or monthly average effluent limitation for E.coli was violated during July, August, September, and October 2003; April, May, June, July, August, September, and October 2004; and April, May, June, and August 2005; and**
 - e. **the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, carbonaceous biological oxygen demand ("CBOD") effluent limitation was violated during August and December 2003.**

- iv. *The record review indicated that the DMRs and MROs for the months of July, October, and November 2004 were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.*
- v. *The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.*

The Respondent has indicated that it has completed preliminary design of a RASCO-type treatment system to improve treatment at the Clear Creek Welcome Center WWTP. The planned improvements include placement of two (2) tanks from the Lizton WWTP at this facility. The Respondent plans to complete its installation and initiate operation of the modified treatment system by the end of 2006.

The ultraviolet disinfection process was originally installed at the wrong place in the WWTP, and will be moved to the end of the WWTP by the end of 2006.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Clear Creek Welcome Center WWTP and expects the above noted improvements, when complete, and implementation of the WWTP SOP will address the above-noted deficiencies, and along with adequate sludge management, will ensure that the WWTP achieves and maintains compliance with its NPDES permit effluent limitations.

- J. *An inspection was conducted by IDEM staff at the Waynetown Rest Area on June 10, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Waynetown Rest Area from July 1, 2003 through February 28, 2006.*
 - i. *During the June 10, 2003, inspection IDEM staff observed that the discharge contained a heavy amount of solids and was brown in color and screenings from the bar screen were not being removed and properly disposed of. IDEM staff observed that the facility was not being maintained in good working order and was not being efficiently operated. It was observed during the inspection that the UV disinfection system and the flow meter were not working. During the inspection it was observed that the clarifiers were bulking solids; the aeration tanks appeared to have minimal activated sludge; a sludge blanket was on the surface of the UV disinfection chamber; and numerous effluent violations had occurred.*
 - ii. *The record review indicated that the Respondent violated the effluent limitations at the Waynetown Rest Area as follows:*
 - a. *the daily minimum D.O. effluent requirement was violated during July, August, September, and October 2003; January, April, and September 2004; and June and July 2005;*
 - b. *the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, TSS effluent limitations were violated during July, August, September, October, and November 2003; and May, June, July, and August 2005;*
 - c. *the weekly average concentration and loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitation was violated during July, August, September, and October 2003; March, April, May, June, July, August, September, October, November, and December 2004; and January, February, March, April, May, June, July, August, and November 2005. Additionally, the Respondent failed to report sample results for ammonia-nitrogen for November and December 2003; and January and February 2004; and failed to report ammonia-nitrogen sample results with the required frequency during March, April, and June 2004; and*
 - d. *the daily maximum and/or monthly average effluent limitation for E.coli was violated during July, August, September, and October 2003; June, July, August, September, and October of 2004; and May, June, and July 2005.*

- iii. *The record review indicated that the DMRs and MROs for the months of July, October, and November 2004 were not submitted to IDEM postmarked by the 28th day of the month following the completed monitoring period as required by Part I.B.3 of the NPDES permit.*

The Respondent has indicated that a RASCO-type treatment system modification, designed for ammonia control, was installed at the Waynetown Rest Area on August 9, 2005. Both settling ponds were pumped out and the ultraviolet disinfection system was cleaned in August 2005. Laboratory data show that WWTP has been continuing to operate in compliance with its NPDES permit effluent parameters since August 2005.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Waynetown Rest Area WWTP and expects the above noted improvements, when complete, and implementation of the WWTP SOP will address the above-noted operation and maintenance deficiencies, and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

- K. *Inspections were conducted by IDEM staff at the Lanesville Welcome Center on May 20, 2004, and December 14, 2004. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Lanesville Welcome Center from July 1, 2003 through February 28, 2006.*

- i. *During the May 20, 2004, inspection, IDEM staff observed that the 36 month compliance schedule in the facility's NPDES permit had expired on March 1, 2004, the facility had not met its ammonia-nitrogen limits, and construction appeared to be needed.*

- ii. *During the December 14, 2004, inspection, IDEM staff observed that the effluent appeared turbid, foamy, and amber in color, the mixed liquor was unsatisfactory, and settling was very poor. The WWTP was in poor condition indicating that it was not being operated as efficiently as possible.*

- iii. *The record review indicated that the Respondent violated the effluent limitations at the Lanesville Welcome Center as follows:*

a. *the weekly average concentration and/or loading, and/or the monthly average concentration and/or loading, TSS effluent limitations were violated during September and December of 2003; December 2004; and January 2005;*

b. *the weekly average concentration and loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitation were violated during February, March, April, May, June, July, August, September, October, November, and December 2004; and January, February, March, June, August, and December 2005; and*

c. *the daily maximum effluent limitation for E.coli was violated during October 2003; and May and June 2004; and July and August 2005.*

- iv. *The record review indicated that the Respondent reported taking grab samples, instead of the required composite samples, for samples reported for 2003 and 2004.*

- v. *The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.*

The Respondent installed an automated composite sampling device at the Lanesville Welcome Center WWTP in 2005 and completed installation of a RASCO-type treatment system modification, designed for ammonia control, at the WWTP in March 2005. Grating over two (2) areas of the plant was repaired in March 2006. Since installation of the automated composite sampling device, the facility has been in compliance with its sampling requirements, and laboratory data show that with the exception of one weekly average ammonia concentration violation during December of 2005, the WWTP has been operating in compliance with its NPDES permit effluent parameters from August 15, 2005 until March 2006.

In March 2006, the WWTP received a surge of highly chlorinated water from the Georgetown waterworks, the water purveyor to the Lanesville Welcome Center WWTP. The chlorine interfered with the WWTP's biological treatment process and ammonia-nitrogen exceedances occurred. The operator at the WWTP responded by adding de-chlorinating agents and by notifying IDEM via a completed non-compliance report facsimile. The operator will monitor influent chlorine three (3) times a week and the Georgetown waterworks staff have been asked to notify the operator at the WWTP in advance of when it adds chlorine in the future.

The WWTP's automated sampling device is controlled by a digital electronic flow meter, which is currently out of order. The flow meter is being repaired by the meter supplier and will be reinstalled and recalibrated with the automated sampling device as soon as possible after it is repaired.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Lanesville WWTP and expects the above-noted improvements and the implementation of the WWTP SOP will address the above noted sampling, monitoring, and reporting deficiencies, and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

An inspection was conducted by IDEM staff at the Pipe Creek Rest Area on northbound I-69 on June 24, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Pipe Creek Rest Area on northbound I-69 from July 1, 2003 through February 28, 2006.

During the June 24, 2003, inspection IDEM staff observed that the facility lacks surge control facilities, resulting in inefficient operation of the aeration tank. It was noted that the facility's ammonia-nitrogen limits had been violated during February, March, April, May, and June 2003.

The record review indicated that the Respondent violated the effluent limitations at the Pipe Creek Rest Area as follows:

the daily minimum D.O. effluent requirement was violated during March, April, October, and November 2004; and January, May, June, and October 2005;

the weekly average concentration and loading, and/or the monthly average concentration and/or loading, TSS effluent limitations were violated during July and August 2004;

the weekly average concentration and loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitations were violated during July, August, September, October, November, and December 2003; March, April, May, June, July, August, and December 2004; January, February, March, April, May, June, July, August, and September 2005; and

the daily maximum and/or monthly effluent limitation for E.coli was violated during July, August, and October 2003; April, May, June, and July 2004; and May and September 2005.

The record review also indicated that the Respondent failed to comply with one or more requirements of the schedule to meet final effluent requirements contained in Part I.D. of the NPDES permit, and failed to submit written notices of noncompliance to IDEM, as required by Part I.D. of the NPDES permit.

The Respondent completed installation of a RASCO-type treatment system modification, designed for ammonia control, at the Pipe Creek Rest Area northbound during September of 2005. Laboratory data show that WWTP, with the exception of one D.O. violation during October 2005, has been operating in compliance with its NPDES permit effluent parameters since September 16, 2005.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Pipe Creek Rest Area northbound and expects that the above noted improvements and the implementation of the WWTP SOP will address the above-noted surge control problems and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

- L. An inspection was conducted by IDEM staff at the Centerville Rest Area on September 13, 2005. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Centerville Rest Area from October 1, 2003 through February 28, 2006.**
- i. During the September 13, 2005, inspection IDEM staff observed that plumbing changes had been completed on August 21, 2005 to convert the unused aeration tank into a surge/anoxic/contact stabilization tank. The initial effluent and process control testing was very good with this new mode of operation and the effluent had met all NPDES limits since the change-over.**
 - ii. The record review indicated that the Respondent violated the effluent limitations at the Centerville Rest Area as follows:**
 - a. the daily minimum D.O. effluent requirement was violated during November and December 2003; March, May, and June 2004; and February 2005;**
 - b. the monthly average concentration and/or loading, TSS effluent limitations were violated during April and October 2004, and January and February 2005;**
 - c. the weekly average concentration and loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitation was violated during September, October, November, and December 2003; January, April, May, June, July, August, September, October, November, and December 2004; and January, February, March, April, May, June, July, August, and November 2005; and**
 - d. the daily maximum and/or monthly average effluent limitation for E.coli was violated during October 2003; April and June 2004; and April, May, June, and July 2005.**

The Respondent completed the installation of a RASCO-type treatment system modification, designed for ammonia control, at the Centerville Rest Area WWTP in March 2005. Additionally, the Respondent cleaned the polishing ponds on August 21, 2005. Laboratory data show that with the exception of one (1) maximum weekly average concentration exceedance in November 2005, the WWTP has been operating in compliance with its NPDES permit effluent parameters since September 2, 2005.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Centerville Rest Area WWTP and expects that the above noted improvements and the implementation of the WWTP SOP will address the above-noted surge control problems and along with adequate sludge management, will ensure that the WWTP maintains compliance with its NPDES permit effluent limitations.

An inspection was conducted by IDEM staff at the Lebanon Rest Area on February 19, 2003. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Lebanon Rest Area from October 1, 2003 through February 28, 2006.

During the February 19, 2003, inspection IDEM staff discussed with Respondent's representatives the need for improvements to the mechanical engineering system, the treatment system, the flow measurement, unit operations, and the need for adequate and qualified manpower. However, it was observed the effluent was clear at the time and no violations were reported.

The record review indicated that the Respondent violated the effluent limitations at the Lebanon Rest Area as follows:

the daily minimum D.O. effluent requirement was violated during January, May, June, July, August, and September 2004; and May, June, and August 2005;

the weekly average concentration and loading, and/or the monthly average concentration and/or loading, ammonia-nitrogen effluent limitation was violated during December 2003; July and August 2004; and January, March, April, and July 2005; and

the daily maximum and/or monthly average effluent limitation for E.coli was violated during September and October 2003; April, May, July, and August 2004; and June 2005.

The Respondent has indicated that a new sludge management procedure was initiated at the Lebanon

Rest Area WWTP in 2005 and the plant has been operating in compliance with its ammonia-nitrogen limitation since that time. The Respondent has also indicated that it has completed preliminary design of a RASCO-type treatment system to further improve dissolved oxygen and ammonia treatment at the Lebanon Rest Area WWTP. If permit limits are not achieved, the Respondent will install and begin operation of the modified treatment system by the end of 2006.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Lebanon Rest Area WWTP and expects that the above-noted improvements and the implementation of the WWTP SOP will, along with adequate sludge management, will ensure that the WWTP continues to maintain compliance with its NPDES permit effluent limitations.

- M.** *An inspection was conducted by IDEM staff at the Black River Welcome Center on May 5, 2005. Additionally, IDEM conducted a record review of DMRs and MROs submitted by the Respondent for the Black River Welcome Center from October 1, 2003 through September 30, 2005.*
- i. During the May 5, 2005 inspection, all the areas of wastewater treatment that were evaluated by IDEM staff were satisfactory and no violations were observed with respect to the particular items observed during the inspection.*
 - ii. The record review indicated that the Respondent violated the effluent limitations at the Black River Welcome Center as follows:*
 - a. the weekly average concentration and loading, and the monthly average concentration ammonia-nitrogen effluent limitation were violated during March and April 2004. The Respondent attributed these ammonia-nitrogen violations on the connection of city water to the facility which upset the treatment process.*

The Respondent completed the installation of overhead make-up air lines and stainless steel piping at the Black River Welcome Center WWTP on January 24, 2006. New outflow from the WWTP began on January 31, 2006, and laboratory data show that WWTP is now operating in compliance with NPDES permit effluent parameters.

The Respondent has also adapted and implemented the WWTP SOP referenced in Paragraph No. 16(A) above, at the Black River Welcome Center WWTP and expects that the above-noted improvements and the implementation of the WWTP SOP will, along with adequate sludge management, will ensure that the WWTP continues to maintain compliance with its NPDES permit effluent limitations.

- N.** *These above-noted inspections and record reviews indicate that the Respondent has violated IC 13-30-2-1, IC 13-18-4-5, 327 IAC 2-1-6(a)(1), 327 IAC 5-2-2, 327 IAC 5-2-8(1), 327 IAC 5-2-8(3), 327 IAC 5-2-8(8), 327 IAC 5-2-8(9), 327 IAC 5-2-13, 327 IAC 5-2-12, and the above-referenced provisions of Respondent's NPDES permits.*
- 17.** *On August 30, 2004, the Respondent submitted a Comprehensive Compliance Plan ("CCP") for its wastewater treatment plants which identified the problems at each wastewater and drinking water plant and proposed corrective actions at each plant; estimates of the cost of those actions; and proposed that an Implementation Team be formed to proceed with an Implementation Schedule. The Respondent noted that the rate at which the CCP can be implemented depends on available funding; available manpower; and IDEM agreement.*
- 18.** *The Respondent has made improvements to several of its wastewater treatment plants as noted in Paragraph No. 16 above, however, the Respondent has not submitted an Implementation Schedule for the necessary improvements and corrective actions at some of its wastewater treatment plants, and IDEM has not entered into an agreement with the Respondent regarding the necessary corrective actions to address the problems at the Respondent's wastewater treatment plants.*

STORM WATER RUN-OFF ASSOCIATED WITH CONSTRUCTION ACTIVITY VIOLATIONS

- 19.** *Respondent is the owner and/or operator at the following highway construction projects and is regulated under 327 IAC 15-5 to discharge through the outfalls identified in the Notices of Intent ("NOIs") Respondent submitted for each project, subject to the limitations, monitoring requirements, and other conditions contained therein. All references in this Notice of Violation to 327 IAC 15-5 et seq. are to the version that was in effect prior to the rule change effective November 2003.*

- A. *I-70 & Six Points Road creek relocation project in Marion and Hendricks Counties (Case No. 2004-14018-W);*
 - B. *State Road 67 reconstruction project – Phase 1 and Phase 2 (east and west of Bruceville), in Knox County (Case No. 2005-14660-W); and*
 - C. *U.S. Highway 231 widening project (south of Crawfordsville), in Montgomery County (Case No. 2005-14655-W).*
20. *Pursuant to 327 IAC 15-5-7(b), the following requirements shall be met on all sites during the period when active land disturbing activities occur:*
- A. *Sediment-laden water shall be detained on-site by erosion control practices that minimize sedimentation in the receiving stream;*
 - B. *Sediment tracked from the site onto public or private roadways shall be minimized;*
 - C. *Public and private roadways shall be kept clear of accumulated sediment;*
 - D. *All on-site storm drains shall be protected against sedimentation by appropriate and acceptable methods;*
 - E. *Storm water drainage from adjacent areas that naturally pass through the site shall either be diverted from disturbed areas or the existing channel must be protected or improved to prevent erosion and sedimentation from occurring; and*
 - F. *Run-off from a disturbed area shall be controlled by either appropriate vegetative practices, the implementation of an erosion control plan that includes appropriate erosion control measures, or both.*
21. *Pursuant to 327 IAC 15-5-7(c), during the period of construction at a site, all erosion control measures necessary to meet the requirements of 327 IAC 15-5-7 shall be maintained by the operator.*
22. *Pursuant to 327 IAC 5-2-2, any discharge of pollutants into waters of the State as a point source discharge, except for exclusions made in 327 IAC 5-2-4, is prohibited unless in conformity with a valid NPDES permit obtained prior to the discharge.*
23. *Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain, or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that causes or contributes to a polluted condition of any waters, as determined by a rule of the board adopted under sections IC 13-18-4-1 and IC 13-18-4-3.*
24. *Pursuant to 327 IAC 2-1-6(a), 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 municipal, industrial, agricultural, and other land use practices, or other discharges:*
- A. *that will settle to form putrescent or otherwise objectionable deposits;*
 - B. *that are in amounts sufficient to be unsightly or deleterious; and*
 - C. *that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance.*
25. *IDEM records, including On-site Evaluation for Erosion and Sediment Control reports, indicate that the Respondent failed to comply with the above-referenced environmental statutes and rules for the highway construction projects specified in Findings of Fact No. 19, as follows:*
- A. *Based on site inspections conducted by staff of the Indiana Department of Natural Resources ("IDNR") at the I-70 & Six Points Road creek relocation project site, the Respondent failed to assure that erosion control measures were implemented and maintained at the Site from July of 2003 through January of 2004, and failed to assure that off-site sedimentation did not occur during the period of construction*

activity during July of 2003 through January of 2004. Specifically, it was observed that:

- B. Sediment-laden water was not detained on site by erosion control practices that minimize sedimentation in the receiving stream. Appropriate measures were not taken to minimize or eliminate wastes or unused building materials from being carried from the site by run-off. Additionally, run-off from a disturbed area was not controlled by either appropriate vegetative practices, the implementation of an erosion control plan that includes appropriate erosion control measures, or both. These violations of 327 IAC 15-5-7(b) were documented during inspections conducted on August 13, September 26, October 2, October 24, and December 8, 2003; and January 20, 2004.**
- C. The necessary erosion control measures at the site were not maintained on the site, including the Respondent's failure to appropriately use dewatering pump filter discharge bags, in violation of 327 IAC 15-5-7(c), as observed during inspections conducted on July 31, August 13, August 20, August 27, September 26, October 2, October 24, and December 8, 2003; and January 20, 2004.**
- D. The Respondent caused or contributed to a polluted condition of waters of the state in violation of IC 13-18-4-5 and 327 IAC 5-2-2 by causing the discharge of sediment from the site into waters of the state as noted during the inspections conducted on August 13, August 20, August 27, September 26, October 2, and December 8, 2003; and January 20, 2004.**
- E. The Respondent caused or contributed to the discharge of sediment to waters of the state in violation of 327 IAC 2-1-6(a) which resulted in: (A) objectionable deposits of sediment; (B) unsightly suspended solids; and (C) a color in the waters in such degree as to create a nuisance, as noted during the inspections conducted on August 13, August 20, October 2, and December 8, 2003; and January 20, 2004.**

Seven (7) INDOT contracts were involved on this overall project: R-25836, B-26890, B-26922, R-26912, B-26921, R-26913 and R-26932. The project erosion and sediment control plan, approved by the Indiana Department of Natural Resources ("IDNR"), included numerous devices beyond INDOT standards. Additionally, INDOT contracted for the services of an environmental engineer to design the plan and a full time erosion control officer ("ECO") to inspect and coordinate the erosion control activities of all seven prime contractors on the project.

During the life of the project, IDNR regularly inspected the site for compliance with 327 IAC 15-5 ("Rule 5"). The ECO always attended these full day inspections with the representative from IDNR and reports were generated from these inspections. Several of the IDNR inspections were held within twenty-four (24) hours of intense heavy rain events, as noted in the IDNR reports. The ECO generated weekly reports, attached to the corresponding IDNR reports, indicate issues discussed and corrective actions taken to comply with Rule 5. Although the reports each indicate specific problems that needed to be addressed, it is noted that all the reports indicate a satisfactory overall project rating. The project has now been completed and permanent vegetation is established.

- F. Based on site visits and inspections conducted by IDNR at the State Road 67 reconstruction project - Phase 1 and Phase 2 - project site, the Respondent failed to assure that erosion control measures were implemented and maintained at the site from October of 2002 through May of 2004, and failed to assure that off-site sedimentation did not occur during the period of construction activity during October of 2002 through May of 2004. Specifically, it was observed that:**
- G. Sediment-laden water was not detained on site by erosion control practices that minimize sedimentation in the receiving stream. Appropriate measures were not taken to minimize or eliminate wastes or unused building materials from being carried from the site by run-off. Additionally, run-off from a disturbed area was not controlled by either appropriate vegetative practices, the implementation of an erosion control plan that includes appropriate erosion control measures, or both. These violations of 327 IAC 15-5-7(b) were documented during inspections conducted on October 29, 2002; May 8, June 27, and October 1, 2003; and March 16, and May 7, 2004.**
- H. The necessary erosion control measures at the site were not maintained on the site, including the Respondent's failure to appropriately use dewatering pump filter discharge bags, in violation of 327 IAC 15-5-7(c), as observed during inspections conducted on October 29, 2002; May 8, June 27, and October 1, 2003; and March 16, and May 7, 2004.**
- I. The Respondent caused or contributed to a polluted condition of waters of the state in violation of IC**

13-18-4-5 and 327 IAC 5-2-2 by causing the discharge of sediment from the Site into waters of the state as noted during the inspections conducted on October 29, 2002; May 8, June 27, and October 1, 2003; and March 16, and May 7, 2004.

This project was on State Road 67 near Bruceville under contract R-25919. The IDNR issued a Notice of Non-Compliance on October 9, 2003, for violations of Rule 5. INDOT worked with IDNR to bring the project back into compliance. A walk-through was held with IDNR on June 29, 2004, and IDNR staff concurred that the project was in compliance, but no official notice of compliance status was provided by IDNR to the Respondent. The project has been completed and permanent vegetation has been established.

- J. Based on site visits and inspections conducted by IDNR at the U.S. Highway 231 roadway widening project site, the Respondent failed to assure that erosion control measures were implemented and maintained at the site from August 2002 through December 2003, and failed to assure that off-site sedimentation did not occur during the period of construction activity during August 2002 through December 2003. Specifically, it was observed that:**
- K. Sediment-laden water was not detained on site by erosion control practices that minimize sedimentation in the receiving stream. Appropriate measures were not taken to minimize or eliminate wastes or unused building materials from being carried from the site by run-off. Additionally, run-off from a disturbed area was not controlled by either appropriate vegetative practices, the implementation of an erosion control plan that includes appropriate erosion control measures, or both. These violations of 327 IAC 15-5-7(b) were documented during inspections conducted on August 19, August 28, and December 19, 2002; and March 19, August 4, August 12, September 8, and December 3, 2003.**
- L. The necessary erosion control measures at the site were not maintained on the site in violation of 327 IAC 15-5-7(c), as observed during inspections conducted on August 19, and August 28, 2002; and March 19, August 4, August 12, September 8, and December 3, 2003.**
- M. The Respondent caused or contributed to a polluted condition of waters of the state by causing the discharge of sediment from the Site into waters of the state in violation of IC 13-18-4-5 and 327 IAC 5-2-2, as noted during the inspections conducted on August 19, August 28, and December 19, 2002; and March 19, August 4, 2003, August 12, and December 3, 2003.**
- N. The Respondent caused or contributed to the discharge of sediment to waters of the state in violation of 327 IAC 2-1-6, which resulted in: (A) objectionable deposits of sediment; (B) unsightly suspended solids; and (C) a color in the waters in such degree as to create a nuisance, as noted during the inspections conducted on August 19, August 28, and December 19, 2002; and March 19, August 4, August 12, and December 3, 2003.**

This project was constructed under INDOT contract R-25819. Due to delays by a sub-contractor, planned erosion and sediment control matting was not installed in a timely manner on the bridge portion of this project. This resulted in a lack of vegetation during the winter months. INDOT was cited by IDNR for Non-Compliance with Rule 5. The project was deemed in compliance as agreed by an IDNR inspection on December 18, 2003. The project has been completed and permanent vegetation has been established.

- 26. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.**

II. ORDER

- 1. This Agreed Order shall be effective ("Effective Date") when it is approved by the Complainant or his delegate, and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.**
- 2. Upon the Effective Date, Respondent shall immediately comply with IC 13-30-2-1, IC 13-18-4-5, 327 IAC 2-1-6(a)(1), 327 IAC 5-2-2, 327 IAC 5-2-8(1), 327 IAC 5-2-8(3), 327 IAC 5-2-8(8), 327 IAC 5-2-8(9), 327 IAC 5-2-12, 327 IAC 5-2-13, the NPDES permits referenced in Paragraph No. 2 of the Findings of Fact, and 327 IAC 15-5-7.**

WASTEWATER TREATMENT FACILITIES

3. **Upon the Effective Date, Respondent shall sample, analyze, and report to IDEM the raw influent wastewater, wastewater from unit treatment processes, as well as the final effluent at all of its NPDES-permitted WWTPs listed in Findings of Fact Paragraph No. 2 ("the WWTPs") for the pollutants and operational parameters specified by the applicable MRO Form in accordance with 327 IAC 5-2-8(9), 327 IAC 5-2-13, and Part II.C.2 and Part I.B.2 of each of the NPDES permits specified in Findings of Fact No. 2 ("the Permits"). Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent.**
4. **Upon the Effective Date, Respondent shall ensure that the type of samples taken at the WWTPs conform with the sample type specified for each parameter sample type specified in Part I.A.1 and Part I.A.4 of the Permits.**
5. **Upon the Effective Date, Respondent shall ensure that analytical and sample methods used for samples taken at each of the WWTPs conform to the current version of 40 CFR 136, unless otherwise specified within the Permits, as required by Part I.A.5 of the Permits.**
6. **Upon the Effective Date, Respondent shall ensure that DMRs and MROs for the WWTPs containing results obtained during the previous month are submitted to IDEM postmarked no later than the 28th day of the month following each completed monitoring period, as required by Part I.B.3 of the Permits.**
7. **Upon the Effective Date, Respondent shall record and maintain records of all monitoring information on all activities under each WWTP permit for each measurement or sample taken pursuant to the requirements of each permit, as required by Part I.A.6 of the Permits.**
8. **Upon the Effective Date, Respondent shall retain at each WWTP all records and information resulting from the monitoring activities required by each permit for a minimum of three (3) years. These records shall include records of analyses, calibration and maintenance records, a copy of the NPDES permit, and copies of DMRs and MROs, as required by Part I.A.8 of the Permits.**
9. **Upon the Effective Date, Respondent shall review the status of the WWTPs that have a schedule of compliance for attaining final effluent limitations contained in Part I.D of each Permit, and determine compliance at each WWTP. Within sixty (60) days of the Effective Date of the Agreed Order, the Respondent shall submit a status report to IDEM for each WWTP indicating the progress for attaining final effluent limitations with a revised schedule of compliance.**
10. **Upon the Effective Date, Respondent shall visually monitor the outfall and receiving waters at each permitted outfall of the WWTPs to assure compliance with minimum narrative water quality standards contained in Part I.A.2 of each permit. Should the Respondent determine that a violation of the minimum narrative water quality standards has occurred (such as a build-up of sludge occurring in the receiving waters), the Respondent shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with the Permits, as required by 327 IAC 5-2-8(3) and Part II.A.2 of each of the Permits. Respondent shall record this visual monitoring and corrective actions in a maintenance log at each WWTP, and report violations of minimum narrative water quality standards to IDEM as required by the Permits.**
11. **Upon the Effective Date, Respondent shall ensure that all WWTPs owned or operated by Respondent are under the direct supervision of an operator certified by IDEM as required by Part II.A.14 of the Permits, and shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with each permit, as required by Part II.B.1.c of the Permits.**
12. **Upon the Effective Date, Respondent shall ensure that an IDEM-authorized representative has access to the WWTPs and to all related records at reasonable times, as required by IC 13-14-2-2, and 327 IAC 5-2-8(7) and Part II.A.16 of the Permits.**
13. **Upon the Effective Date, Respondent shall, at all times, ensure that all equipment at the WWTPs is maintained in good working order, efficiently operated, operated in a manner which will minimize upsets and discharges of excessive pollutants, and that excessive solids and sludges are removed and properly disposed of, as required by Part II.B.1 and Part II.B.4 of the Permits.**
14. **Upon the Effective Date, Respondent shall review the status of the WWTPs' ability to comply with Part II.B.5 of each permit regarding power failures, and provisions that require either an alternative power source, or the ability to halt, reduce or otherwise control all discharge in order to maintain compliance**

with the effluent limitations and conditions of each permit. Within sixty (60) days of the Effective Date, the Respondent shall submit a report to IDEM for the WWTPs indicating the ability to comply with Part II.B.5 of the Permits.

15. *Upon the Effective Date, Respondent shall comply with the reporting requirements of Part II.C of the Permits. For the purposes of this Agreed Order, any violation of the effluent limitations contained in Part I.A. of the Permits shall be considered noncompliance which may pose a significant danger to human health or the environment, and shall be reported both orally to IDEM by calling (317) 233-7745 ((888) 233-7745 toll-free in Indiana) within twenty-four (24) hours from the time the Respondent becomes aware of the noncomplying circumstances, and in writing within five (5) days of the time the Respondent becomes aware of the circumstances. Alternatively, the Respondent may submit a "Noncompliance Notification Report" to IDEM at (317) 232-8637 within twenty-four (24) hours of the time that the Respondent became aware of the occurrence, in which case the fax report will satisfy both the oral and written reporting requirements.*
16. *The Respondent has also developed a new standard operating procedure ("WWTP SOP") which covers, among other things, sampling requirements, chain-of-custody records, submission of DMRs and MROs, testing for D.O. and pH, and other operation and maintenance activities at the WWTPs. The WWTP SOP addresses, but is not be limited to, all the NPDES permit requirements outlined in Order Paragraph Nos. 3 through 15. The Respondent has implemented the WWTP SOP and will revise and make improvements to the WWTP SOPs as necessary. The WWTP SOP was adapted and implemented for all INDOT WWTPs on April 3, 2006.*

The Respondent has submitted the WWTP SOP for wastewater compliance at all INDOT wastewater treatment plants, including the WWTPs listed in Findings of Fact Paragraph No. 2, to IDEM for its review and comment. Within one (1) year of the Effective Date, Complainant and Respondent shall meet to review and, as necessary, revise the WWTP SOP.

17. *Within sixty (60) days of the Effective Date of the Agreed Order, the Respondent shall develop and submit to IDEM for its approval a separate, written Compliance Plan ("CP"), outlining the nature and timing of the corrective actions Respondent shall take to both attain and maintain compliance with it's NPDES permit requirements, including all effluent limitations, for each of the following WWTPs:*
- Henryville Rest Area on northbound I-65;
 - Henryville Rest Area on southbound I-65;
 - Spring Creek Rest Area;
 - Pigeon Creek Rest Area;
 - Arcola Rest Area; and
 - Lebanon Rest Area
- a. *The corrective actions within the CP shall include, but not be limited to:*
- b. *Ensuring an adequate, properly trained staff at each above-noted WWTP;*
- c. *Identifying and ensuring the timely implementation of necessary improvements to operation and maintenance at each above-noted WWTP;*
- d. *Identifying and completing necessary facility repairs and improvements in a timely fashion at each above-noted WWTP;*
- e. *Identifying and completing necessary facility construction upgrades that will be made in a timely fashion at each above-noted WWTP;*
- f. *For the Henryville Rest Area WWTP on northbound I-65, the corrective actions shall include reconfiguring the WWTP so as to conform with its original flow design, then monitoring compliance for up to 3 months. Respondent shall install an automated composite sampling device at the WWTP by the end of 2006. Additionally, if it is determined that it remains difficult for the WWTP to achieve and maintain compliance with its effluent limitations, then a RASCO type treatment system will be installed by the end of 2006;*
- g. *For the Henryville Rest Area WWTP on southbound I-65, the corrective actions shall include the actions to properly close the WWTP including: pumping any wastewater remaining in the tanks and*

either treating it at the northbound plant or hauling the remaining wastewater in the tanks to a municipal WWTP; cutting holes in the walls and floors of the empty tanks and filling the tanks to grade; and closing the WWTP, all of which are to be completed within sixty (60) days of the Respondent's receipt of IDEM's notification of the voidance the southbound WWTP's NPDES permit;

- h. For the Spring Creek Rest Area WWTP, the corrective actions shall include completing installation and initiating operation of the RASCO-type treatment system to improve treatment at the Spring Creek Rest Area WWTP by the end of August 2006, and ensuring that the precipitation gauge with electronic monitoring and the updated ultraviolet disinfection process are operating properly;*
- i. For the Pigeon Creek Rest Area WWTP, the corrective actions shall include completing installation and initiating operation of the RASCO-type treatment system to improve treatment to improve phosphorous and ammonia treatment at the Pigeon Creek Rest Area WWTP by the end of 2006;*
- j. For the Arcola Rest Area WWTP, the corrective actions shall include replacing some grating as necessary for safety reasons in the spring of 2006, and notifying IDEM by the end of 2006 regarding its decision to close the Arcola Rest Area WWTP. If it is decided that the WWTP will remain open, a schedule to make the necessary improvements will be developed and submitted to IDEM for review and approval by the end of 2006;*
- k. For the Lebanon Rest Area WWTP, the corrective actions shall include monitoring compliance with effluent limitations for up to 3 months, and if it is determined that it remains difficult for the WWTP to achieve and maintain compliance with its effluent limitations, then a RASCO type treatment system will be installed by the end of 2006.*

The CP shall include an implementation schedule for each NPDES-permitted facility that provides for implementation and completion of all the corrective actions and compliance with the requirements of each above-noted WWTP's NPDES permit within twenty-four (24) months from the Effective Date of this Agreed Order. The schedule will specifically address how compliance with ammonia-nitrogen and E.coli limitations shall be attained at each above-noted WWTP. For the WWTPs where construction permits are necessary, the Respondent shall include milestones for submittal of construction permit applications to IDEM, as well as milestones for initiation and completion of construction.

18. Upon completion of the corrective actions contained in the CP for each of the WWTPs noted in Order Paragraph No. 17 above, the Respondent shall demonstrate compliance with all effluent limitations at each WWTP for a period of six (6) consecutive months ("Compliance Demonstration"). For the following WWTPs, where the Respondent has completed improvements and attained compliance with each facility's NPDES permit, the six (6) month Compliance Demonstration shall begin on the Effective Date of the Agreed Order:

Kankakee Rest Park;
Wolcott Rest Area;
Flat Creek Rest Area on southbound I-69;
Flat Creek Rest Area on northbound I-69;
Clear Creek Welcome Center;
Waynetown Rest Area;
Lanesville Welcome Center;
Pipe Creek Rest Area on northbound I-69;
Centerville Rest Area; and
Black River Welcome Center.

19. The CP required by Order Paragraph No. 17 above is subject to IDEM review and approval. In the event IDEM determines that the CP submitted by Respondent is deficient, Respondent, in cooperation with IDEM, shall meet with representatives of IDEM to develop a mutually- acceptable revised CP which identifies the actions that Respondent will take to achieve and maintain compliance with the effluent limitations contained in the WWTP's NPDES permits identified in Order Paragraph No. 17. The CP shall include a new schedule, including specific milestone dates, for initiation and completion of the actions contained therein. If the Respondent and IDEM are unable to develop a mutually-acceptable revised CP within one hundred and twenty (120) days of the Effective Date of the Agreed Order, then IDEM may modify and approve the CP and Respondent shall implement the plan as modified by IDEM.

20. Should the Respondent fail to successfully complete the Compliance Demonstration required by Order Paragraph No. 18 at any

WWTP, within fifteen (15) days of becoming aware that it will be unable to achieve Compliance Demonstration, the Respondent shall notify IDEM of the Respondent's failure to successfully complete the Compliance Demonstration at the WWTP, and the Respondent, in cooperation with IDEM, shall meet with representatives of IDEM to develop a mutually-acceptable Additional Action Plan ("AAP") for that WWTP which identifies the additional actions that Respondent will take to achieve and maintain compliance with the effluent limitations contained in that WWTP's NPDES permit. The AAP shall include a new schedule, including specific milestone dates, for initiation and completion of the action contained therein. If the Respondent and IDEM are unable to develop a mutually acceptable AAP within ninety (90) days of Respondent notifying IDEM of the Respondent's inability to successfully complete the Compliance Demonstration at the WWTP, then IDEM may modify and approve the CP and Respondent shall implement the plan as modified by IDEM.

21. The Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved CP, and AAP if necessary, and adhere to the milestone dates therein. The approved CP and AAP shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof.

22. The Respondent shall notify IDEM, in writing, within ten (10) days of completion of each action contained in any approved plan, including the CP and the AAP(s). The notification shall include a description of the action completed and the date it was completed.

23. During implementation of the Compliance Plan, the Respondent shall operate its existing WWTPs as effectively and efficiently as possible, and in a manner so as to prevent, to the extent possible, non-compliance with effluent limitations at the WWTPs.

STORM WATER RUN-OFF ASSOCIATED WITH CONSTRUCTION ACTIVITY

24. The Respondent shall immediately upon the Effective Date, implement the erosion and sediment control measures in accordance with the ESCP or Storm Water Pollution Prevention Plan for all construction activities of one acre or more where the Respondent is the project site owner, including the above-referenced I-70 & Six Points Road creek relocation project, the State Road 67 reconstruction project, and the U.S. Highway 231 roadway widening project (if construction is not yet complete and Notice of Termination ("NOT") letters have not yet been submitted for these projects and accepted by IDEM), and any other erosion and sediment control measures necessary to:

- a. ensure compliance with the requirements of 327 IAC 15-5-7; and
- b. prevent sediment from leaving the site and entering or threatening to enter waters of the state.

Upon the Effective Date, the Respondent shall work with IDEM to prepare and implement standard operating procedures ("SOPs") for operations associated with storm water quality, including implementation, maintenance, operations, and for termination of 327 IAC 15-5 projects under INDOT's control.

25. Notwithstanding Order Paragraph No. 24, upon the Effective Date, Respondent shall comply with 327 IAC 15-5-7, IC 13-18-4-5 and 327 IAC 2-1-6(a)(1) by preventing sedimentation from entering the waters of the State from locations identified in the on-site evaluations in accordance with the plan and the methods outlined in the Indiana Stormwater Quality Manual. The implementation of the erosion and sediment control measures shall be conducted by personnel trained in erosion control practices, and in addition such measures shall be adequate in size and location to control the area of run-off and to prevent off-site sedimentation. Respondent shall be deemed to have satisfied the requirements of Order Paragraph No. 24 and this paragraph when IDEM verifies that adequate vegetative cover has been established and/or that appropriate erosion and sediment control measures have been put into place.

For the purposes of this Agreed Order, a "trained individual" for 327 IAC 15-5 is defined as a person who can verify that he/she has knowledge of storm water management that was acquired through certification, training, and/or experience. These requirements include individuals who have been certified as a Certified Professional in Erosion and Sediment Control ("CPESC") through the International Erosion Control Association or an individual who has attended training sessions offered through IDEM, IDNR, a Soil and Water Conservation District ("SWCD"), or a similar organization at the national level. At a minimum, the training received by an individual shall include rules and regulations and the selection, installation, and maintenance of storm water quality measures.

26. Upon the Effective Date, the Respondent shall continue to provide written notification in its contracts and site specifications to all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight of borrow and fill sites, of the terms and conditions of 327 IAC 15-5 and the conditions and standards of the approved ESCP for its highway construction sites.

27. ***Upon the Effective Date, the Respondent shall implement self-monitoring programs as required by 327 IAC 15-5-7(18), including assuring that trained individual performs a written evaluation of the project site by the end of the next business day following each measurable storm event, and at a minimum of one time per week, in order to determine whether the erosion and sediment control measures are:***

properly installed and maintained; and

adequate to ensure compliance with the requirements of 327 IAC 15-5-7 and to prevent sediment from leaving the site and entering or threatening to enter waters of the state.

For the purposes of this Agreed Order, a "measurable storm event" is defined as a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

28. ***In the event that deficiencies are found during the inspections at any site conducted pursuant to Order Paragraph No. 27 above, the Respondent shall immediately take all actions necessary to correct the deficiencies. Such actions may include, but are not necessarily limited to, removal of accumulated sediment associated with sediment control measures, assurance that conveyance channels and swales are stabilized, and installation of additional erosion and sediment control measures if determined necessary.***
29. ***The Respondent shall maintain records of the inspections conducted pursuant to Order Paragraph No. 27 above and corrective actions taken pursuant to Order Paragraph No. 28 above. The records shall include, but not necessarily be limited to:***
- a. ***the date and time of inspection;***
 - b. ***the weather conditions at the time of the inspection;***
 - c. ***the name of the individual conducting the inspection;***
 - d. ***a description of observations made during the inspection, specifically including a description of any deficiencies that were found; and***
 - e. ***a description of the corrective actions taken as a result of deficiencies found during the inspection.***
30. ***The Respondent shall maintain the records required pursuant to Order Paragraph No. 29 above at each project site for a period of three (3) years, and shall make such records available for inspection and copying by representatives of IDEM or a SWCD within forty-eight (48) hours of a request as required by 327 IAC 15-5-7(b)(18).***
31. ***For any additional construction activity of one acre or more where the Respondent is the project site owner, and the Respondent initiates land disturbing activities prior to close out of this Agreed Order, the Respondent shall ensure that:***
- a. ***A complete a sufficient notice of intent letter is submitted to IDEM;***
 - b. ***A sufficient construction plan is completed and submitted to the applicable soil and water conservation district, or other entity designated by IDEM, has been sent a copy of the construction plan for review in accordance with 327 IAC 15-5-6;***
 - c. ***The storm water quality measures included in the construction plan comply with the requirements under 327 IAC 15-5-6.5, 327 IAC 15-5-7, and 327 IAC 15-5-7.5 and that the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements;***
 - d. ***The implementation of storm water quality measures are inspected by trained individuals;***
 - e. ***327 IAC 15-5 is complied with during: (1) the construction activity; and (2) implementation of the construction plan;***
 - f. ***The measures required by 327 IAC 15-5-7 are implemented in accordance with the storm water pollution prevention plan;***

- g. A self-monitoring program is implemented, a trained individual performs written evaluations of the project site, and 327 IAC 15-5-7(b)(18) is complied with;**
- h. IDEM is notified with a sufficient NOT letter as required by 327 IAC 15-5-8; and**
- i. All persons engaging in construction activities on a permitted project site comply with the applicable requirements of 327 IAC 15-5 and the approved construction plan.**

For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, if the activity is under the control of the project site owner, these off-site activity areas must be considered a part of the permitted project site. If an activity is not under the control of the original project site owner, the additional work will be permitted as a separate project and will be the responsibility of the individual or entity with financial and operational control of the activity.

If the Respondent contracts for services of borrow and fill site(s) and the activity at a borrow and fill site(s) is not under the control of the Respondent, the Respondent shall make its best effort to assure that the contractor complies with 327 IAC 15-5 at the borrow and fill site(s).

The Respondent shall comply with the provisions of the general requirements for storm water quality control (327 IAC 15-5-7) throughout construction activities and until the areas are permanently stabilized.

- 32. Respondent shall continue to hold pre-construction meetings with the intent to inform and coordinate project activities. In addition to other topics of discussion, storm water management issues will addressed at these meetings. Respondent shall notify appropriate IDEM staff in writing of all pre-construction meetings two (2) weeks in advance. When schedules permit, IDEM will attend these meetings.**

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GENERAL PROVISIONS

- 33. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be by and between:**

**For IDEM: Terry Ressler, Case Manager
Indiana Department of Environmental Management
Office of Enforcement, Mail Code 60-02
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

For INDOT:

for wastewater issues:

Thomas Duncan, P.E.

for 327 IAC 15-5 issues:

Richard Phillabaum, L.A.

