



Indiana Department of Environmental Management
Indiana Water Environment Association – Government Affairs Committee
Meeting Minutes

Indiana Government Center North 13th Floor – Commissioner’s Large Conference Room

June 21, 2018

1:30 PM – 3:00 PM

Agenda:

1. Introductions
 - a. Martha Clark-Mettler (IDEM), Paul Higginbotham (IDEM), Camille Meiners (SRF), Craig Williams (Angola/IWEA), Larry Kane (Bingham Greenebaum Doll LLP/IWEA) Brady Dryer (CEI/IWEA), Andrea Alexander (South Bend/IWEA), Sarah Mitchell (Elkhart/IWEA), Brandi Wallace (Fort Wayne/IWEA), Stephanie Cerling (DLZ/IWEA)
2. IFA-SRF Update
 - a. Funding Update
 - i. Wastewater Needs estimated at > \$1B
 - ii. 20-21 PERs submitted for consideration as of June 21st.
 - iii. Project Priority List forthcoming in July 2018
 - iv. IFA SRF Quarterly Interest Rates forthcoming
 - v. WIFIA estimated at \$438M with leveraged SRF funds total up to \$900M in total investment
 - b. Senate Enrolled Act 362 – Asset Management Plan Program
 - i. Based on Senate Bill 362
 - ii. Required for IFA SRF borrowers
 - iii. Plans eligible for SRF financing
 - iv. Plans to be completed by last project disbursement
 - v. Borrower certification of completion
 - vi. IFA Guidance to be issued in July
 - vii. Cybersecurity component to be implemented as well.
 - c. Retirements & New Staff
 - i. Jack Fisher (SRF Project Engineer) – Retire end of August 2018



- ii. Doris Roberson (SRF Bidding/DBE Coordinator) – Retire end of July 2018
 - iii. Staci Orr – Bidding/DBE & Environmental Reviews (taking over for Doris)
- 3. State Water Quality Standards Review & Public Hearing
 - a. Public Hearing at April 11, 2018 Environmental Rules Board Meeting
 - b. Written comment deadline was April 26, 2018
 - c. Intent to provide consistent metals criteria
 - d. No changes to numeric nutrient criteria
 - e. No changes to Ammonia standards
 - f. Proposed to remove Exceptional and Limited Use Waters classification
 - g. No impact to Wet Weather Limited Use Subcategory
- 4. Ohio River Sanitation Commission (ORSANCO) Water Quality Standards Review
 - a. Initial Public Review Period January 10, 2018 through February 24, 2018
 - b. Currently allows for consistency of Ohio River discharger WQSs
 - c. Option to remove ORSANCO WQSs and let state's implement respective state WQSs was selected
 - d. 2nd Public Review Period June 26, 2018 through August 10, 2018
 - e. Public Hearing on July 12, 2018 at 3:00 PM and July 19. 2-18 at 6:00 PM
 - f. Impacts 45 Indiana Municipal and Industrial Dischargers
 - g. Anti-Backsliding implications to be evaluated by IDEM
- 5. Great Lakes Basin Enhanced CSO Public Notification Plans and Review Status
 - a. No CSO PN plans received by IDEM OWQ for review to date
 - b. Rulemaking process underway at IDEM, but will not be in effect by August 7, 2018 CSO PN plan submittal or November 7, 2018 Federal CSO PN implementation deadline.
 - c. IDEM guidance available: <https://in.gov/idem/cleanwater/2455.htm>
- 6. POTW Secondary Treatment Questionnaire Status
 - a. No update on EPA issuance details provided.
 - b. EPA review of data to aid in POTW effective and efficient nutrient removal likely to be lengthy.
- 7. 2012 RWQC Update
 - a. Potential 10% *E. coli* in-stream exceedance allowance change to 327 IAC Article 2 vs. 2012 RWQ Adoption discussed.
 - b. IDEM & IWEA GAC subgroup meeting held on April 20, 2018
 - c. Schedule of a follow up meeting to be determined
 - d. IDEM to determine which enforcement documents currently require UAA.



- e. IWEA GAC to review other state WQS compliance and potential Nonrule Policy Document.
- 8. Compliance/Enforcement Updates
 - a. Drinking Water Enforcement Cases have increased primarily due to the lack of implementation of the Revised Total Coliform Rule.
 - b. Whole Effluent Toxicity Testing (WETT) result input to NetDMR discussion
 - c. Guidance correspondence issued (See attached)
 - d. Rule 6 – Industrial Stormwater issues regarding Notice of Intent vs. Annual Fee confusion.
- 9. MS4 Program Update – Audits, Draft Permit, etc.
 - a. Work Group for Municipal Stormwater General Permit still anticipated to begin in 2018.
 - b. Renewals/Notice of Intent submittals ongoing
 - c. Discussion on in-stream water quality current and future requirements.
- 10. Construction Site Runoff General Permit Status
 - a. EPA comments received and reviewed by Work Group
 - b. General Permit Rulemaking & Public Notice anticipated for 2018
- 11. 2018 Legislative Session & IDEM Initiatives
 - i. Senate Enrolled Act 362 – Regulation of Water & Wastewater Systems
 - ii. Requires Asset Management Plans for new and expanded Water & Wastewater Plants.
 - iii. Cybersecurity Plan requirement
 - iv. IDEM preparing utility certification statement to demonstrate compliance.
 - v. IDEM does not intend to review plans (rather, confirm certifications)
 - vi. Business as usual until IDEM approach finalized. (See attached email dated June 7, 2018)
 - b. House Enrolled Act 1233
 - i. Desire to improve consistency among Wastewater and Drinking Water Certifications (IDEM guidance attached)
 - 1. Change WW renewal from 2 years to 3 years.
 - 2. Modifies CEUs required.
 - ii. Delegate on-site municipal wastewater systems to the Indiana Department of Health
 - iii. Clarified negligent acts with respect to environmental crimes
 - c. IDNR/IDEM In-Lieu Fee Program



- i. Approved to sell credits as of May 3, 2018.
- ii. Allows for stream & wetland mitigation banking through state
- iii. Federal Waters of the US status was briefly discussed

Subject: New instructions from IDEM for reporting Whole Effluent Toxicity Testing results

The IDEM Office of Water Quality is contacting all Indiana NPDES permit holders that are required to conduct periodic whole effluent toxicity testing (WETT). IDEM is now implementing e-reporting for WETT testing results by requiring permit holders to begin reporting the results electronically through EPA's NetDMR system. This is a reversal of our prior position, where you were directed to not include the toxicity results on your NetDMRs, and IDEM staff have been completing that part for you. We now ask that you begin to complete the portion of the NetDMR that includes toxicity results, as provided by your lab the next time your permit requires WETT testing, and continuing thereafter.

In preparation for this transition, IDEM staff have created two new tables for permittees illustrating what needs to be included on the DMRs. These tables (one based on chronic toxicity and the other based on acute toxicity) are attached to this message. Only one of these tables will apply to your outfall(s), and your lab will be able to identify the correct one to use. We have already given these tables to the labs, so that they are familiar with them and they should begin including them in the lab reports they send to you. The tables include the parameters that need to be reported on the NetDMRs, along with other measures used by our staff, identify the due date and monitoring period, and provide for consistent reporting among all labs and permittees.

When reporting toxicity results in NetDMR, we ask that you attach a copy of the new table (along with your MRO or MMR as you have been doing), as provided to you by your lab, but not the entire lab report. Instead, we are asking you to attach the entire/complete lab report, including the new table, to an email addressed to wwreports@idem.IN.gov, separate from your DMR, as many of you have already been doing.

Over the past several years, as IDEM staff have reviewed the reported results from the various laboratories preparing WETT reports, we have seen reports that do not include the correct parameters or units, or do not provide all of the information required by the NPDES permit or needed by our staff for compliance evaluation. Some reports do not indicate which sample/report monitoring period is applicable, do not contain both acute and chronic results, results are for a single species when multiple species are required, or results are expressed in percentages when the permit (and NetDMR) requires reporting in toxic units. Some reports fail to indicate if the effluent sample passed or failed the toxicity test. Use of these new tables will resolve all of these issues.

The information contained in the table will allow you to easily transfer the required information from the WETT report prepared by your lab to your NetDMR.

WETT lab reports that fail to contain the completed table and other information sufficient to evaluate compliance with Indiana NPDES permits will be returned to you for more detail. Your NPDES permit will then remain in noncompliance status until a complete report is received. In these cases, it will be up to you to notify your lab that a revised WETT report is needed.

We appreciate your participation as Indiana moves to this next step in meeting federal electronic reporting requirements.

Please note the following details concerning reporting:

- The toxicity unit (TU) calculation should never have a “0” result:
 - Chronic Toxicity (in TUs) equals 100/NOEC or 100/IC25
 - Acute Toxicity (in TUs) equals 100/LC50
- There are 2 NetDMRs available per biomonitoring period, typically scheduled from the effective date of your permit:
 - Please put the results of your first WET test that period in the first NetDMR slot (should have TA, TS, TQ, or TM in the label),
 - Complete the second NetDMR (with TX) for that biomonitoring period as follows:
 - If the first WET test had a failure, enter the re-take results on the re-take NetDMR,
 - If the first WET test was completed and did not fail, you do not need to collect a second sample for that period and are allowed to enter NODI code “9” on the re-take NetDMR.
- Attach a copy of the applicable completed new WETT table to each NetDMR that has measurement results:
 - Make sure it is in pdf format,
 - Name it similar to the MRO attachment naming convention: i.e., IN0012345_001-TS_WETT_2018_04.pdf, prior to attaching it.
- Do not complete any WETT NetDMRs prior to 2018 monitoring periods. Assuming you already sent the full WETT reports (prior to 2018) to IDEM, these WETT results have already been entered into the EPA database for you.

If you have questions about this message, please call me or send me an email, as listed below. Questions about specific details of preparing the reports or reporting to IDEM can be directed to:

Rose McDaniel at 317-233-2653 or rmcdanie@idem.IN.gov
Michelle Denney at 317-232-0019 or midenney@idem.IN.gov
Helen Demmings at 317-232-8815 or hdemming@idem.IN.gov
Gary Starks at 317-232-8694 or gstarks@idem.IN.gov



Mark W. Stanifer, Chief
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100 N. Senate Ave, IGCN 1255
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The biomonitoring report required for permittees with WETT requirements based on **ACUTE** toxicity should include the summary table of the results for each species tested as presented below.

Permittee:				Permit number: IN			Outfall number:	
Laboratory Name and Contact:				Report <u>Due</u> Date:			Report Date:	
WETT Reporting Frequency or Type: (circle one)	Monthly	Quarterly	Semi-annual	Annual	TRE	Post TRE	<u>First</u> (per Reporting Frequency)? or	
							<u>Re-take</u> (per Reporting Frequency)?	

Test Organism*	Test	Endpoint	Units	Result	Pass/Fail	Permit Limit	Reporting
<i>Ceriodaphnia dubia</i> *	48-hour Definitive Static-Renewal	48-hr. LC ₅₀	%			na	Laboratory Report
			TU _a				
		Toxicity (acute) [1]	TU _a	[2]	Pass or Fail?	1.0	Laboratory Report and NetDMR (Parameter Code 61425)
<i>Pimephales promelas</i> *	96-hour Definitive Static-Renewal	96-hr. LC ₅₀	%			na	Laboratory Report
			TU _c				
		Toxicity (acute) [1]	TU _a	[2]	Pass or Fail?	1.0	Laboratory Report and NetDMR (Parameter Code 61427)
<i>Daphnia magna</i> *	48-hour definitive static-renewal	48-hr. LC ₅₀	%			na	Laboratory Report
			TU _a				
		Toxicity (acute) [1]	TU _a	[2]	Pass or Fail?	1.0	Laboratory Report and NetDMR (Parameter Code TSA3C)
<i>Daphnia pulex</i> *	48-hour Definitive Static-Renewal	48-hr. LC ₅₀	%			na	Laboratory Report
			TU _a				
		Toxicity (acute) [1]	TU _a	[2]	Pass or Fail?	1.0	Laboratory report and NetDMR (Parameter Code TSA3D)

* This table only needs to include the test species identified in the NPDES permit. Species not identified in the NPDES permit for WET testing should be omitted from this table.

[1] The Toxicity (acute) result is the 48 hr. LC₅₀ for *Ceriodaphnia dubia*, *Daphnia magna* and *Daphnia pulex*, and the 96 hr. LC₅₀ for *Pimephales promelas*.

[2] These values are the ones that need to be reported on your NetDMR.

The biomonitoring report required for permittees with WETT requirements based on **CHRONIC** toxicity should include the summary table of the results for each species tested as presented below.

Permittee:				Permit number: IN			Outfall number:	
Laboratory Name and Contact:				Report <u>Due</u> Date:			Report Date:	
WETT Reporting Frequency or Type: (circle one)	Monthly	Quarterly	Semi-annual	Annual	TRE	Post TRE	<u>First</u> (per Reporting Frequency)? or	
							<u>Re-take</u> (per Reporting Frequency)?	

Test Organism	Test	Endpoint [1]	Units	Result	Pass/Fail	Permit Limit	Reporting
<i>Ceriodaphnia dubia</i>	7-day Survival and Reproduction Definitive Static-Renewal	NOEC Survival	% TU _c			na	Laboratory Report
		NOEC Reproduction	% TU _c				
		IC ₂₅ Reproduction	% TU _c				
		48 hr. LC ₅₀	% TU _a				
		Toxicity (chronic) [2]	TU _c	[4]	Pass or Fail?	*	
	Toxicity (acute) [3]	TU _a	[4]	Pass or Fail?	1.0	Laboratory Report and NetDMR (Parameter Code 61425)	
	<i>Pimephales promelas</i>	7-day Larval Survival and Growth Definitive Static-Renewal	NOEC Survival	% TU _c			na
NOEC Growth			% TU _c				
IC ₂₅ Growth			% TU _c				
96 hr. LC ₅₀			% TU _a				
Toxicity (chronic) [2]			TU _c	[4]	Pass or Fail?	*	Laboratory Report and NetDMR (Parameter Code 61428)
Toxicity (acute) [3]		TU _a	[4]	Pass or Fail?	1.0	Laboratory Report and NetDMR (Parameter Code 61427)	

* Include here the specific limitation value established in the NPDES permit.

[1] A separate acute test is not required. The endpoint of acute toxicity is to be extrapolated from the chronic test.

[2] The Toxicity (chronic) result is determined as follows:

Step 1: Compare the NOEC and IC₂₅ values (in TUc) for Reproduction (*Ceriodaphnia dubia*) and Growth (*Pimephales promelas*) and select the NOEC value (in TUc) if it is lower than the IC₂₅ value (in TUc). Otherwise, select the IC₂₅ value (in TUc).

Step 2: Compare the value selected in Step 1 for each species to the NOEC for Survival (in TUc) for the species.

Step 3: Record the NOEC for Survival (in TUc) for the species if it is higher than the value selected in Step 1 for the species. Otherwise, record the value selected in Step 1 as the Toxicity (chronic) result (in TUc) for the species.

[3] The Toxicity (acute) result is the 48-hr. LC₅₀ for *Ceriodaphnia dubia* and the 96-hr. LC₅₀ for *Pimephales promelas*, reported in TUa.

[4] These are the laboratory result values that you need to report on your NetDMR, in Toxicity Units.

Brady Dryer

From: Higginbotham, Paul <PHIGGINB@idem.IN.gov>
Sent: Thursday, June 7, 2018 3:59 PM
To: Brady Dryer
Subject: SEA 362

Brady –

I know that we have had and will continue to have discussions with IWEA and others about the implementation of SEA 362, but we are finding that developing the protocols for the implementation of the IDEM portions is taking more time and the effective date is 7/1/18. Therefore, the below is how we will be handling applicable permitting actions moving forward.

SEA 362 (**specifically IC 13-18-26**) becomes effective for some drinking water and wastewater permitting activities issued after June 30, 2018. Due to the fact that IDEM is in the process of developing protocols for implementing SEA 362, IDEM will continue to process and issue permits during the protocol development phase as normal (pre-SEA 362). Once IDEM has developed the implementation protocol, we will engage in education/outreach to assist potential applicants moving forward. With that being said, IDEM encourages applicants to address the requirements of SEA 362 to the best of their ability in the interim.

Thanks

Changes to Indiana Law Affect Certified Wastewater Treatment Operators

During the 2018 session of the Indiana General Assembly, the legislature enacted revisions to Indiana Code (IC) 13-18-11 (House Bill 1233) concerning certified wastewater treatment operators. This bill becomes effective July 1, 2018. These changes primarily affect license **renewals**. The changes include:

- The statutory authority for wastewater license renewals is now combined with the drinking water provision under IC 13-18-11-6.5, so that all wastewater and drinking water licenses in the future will expire and be renewed on a three-year cycle rather than the traditional two-year cycle. Drinking water licenses have been on a three-year renewal cycle for some time.

What this means: If you are used to renewing your license every two years, you will now need to renew it every three years. This change makes the effective term for wastewater and drinking water licenses the same. IDEM will continue to work with the Indiana Professional Licensing Agency to notify you prior to your license expiration. This does not affect the licenses that are being reissued currently, because the current group expires before the law change goes into effect. If your license expires June 30, 2018, and you submit a complete application, it will be renewed for two years, even if you are late in reapplying.

- This same provision of House Bill 1233 provides that licenses become non-renewable **one** year after the date the certificate expires.

What this means: Until now, wastewater licenses became non-renewable three years after they expired, meaning that if your license was expired for three years or less, you were only required to submit a renewal application with the necessary documentation and fee and your license would be renewed for two years. Beginning July 1, 2018, once a license has been expired for **one** year, it becomes non-renewable and the applicant is required to sit for and pass the exam again in order to become recertified as a licensed operator. This change makes the grace period for wastewater and drinking water licenses the same.

Further, the licenses of operators who allow or have already allowed them to expire will become non-renewable at an accelerated schedule. Licenses that expired June 30, 2016, June 30, 2017, and those that will expire June 30, 2018 will all become non-renewable after June 30, 2019 if they are not renewed prior to that date. Again, becoming non-renewable means that in order to return to being a certified wastewater operator, you will have to sit for and pass the exam in addition to satisfying all of the other normal renewal requirements, including continuing education.

- House Bill 1233 also provides for the first time that IDEM may grant reciprocity to operators already certified in U.S. territories if they meet all of the other requirements.

What this means: Until now, the language of IC 13-18-11-9 only allowed IDEM to grant a reciprocal license to individuals certified in other states, without the need to sit for or pass the exam, if they met certain other requirements. IDEM grants a handful of reciprocal licenses each year. This minor revision now includes licensed operators from U.S. territories who are able to meet the eligibility requirements for reciprocity.

- What else does this change in law mean?

These changes to the statute will require that equivalent changes be made to the Operator Certification Rule in 327 IAC 5-22. IDEM has requested approval to reopen the rule for changes. A rule change is a long-term effort, so it is very likely that during the renewal season in spring 2019 the statute and rule may contain different requirements for the effective period of license renewals. IDEM has not yet determined how this will be handled, but will be prepared when the time comes. One thing it certainly means is that the required contact hours for renewal will be changed to reflect a three-year cycle. For example, if your license has always required 10 contact hours during a two-year effective term, you now will be required to obtain 15 contact hours for a three-year license. Other changes to modernize and clarify the rule are anticipated, but currently the rule revision is very early in the process.

One More Point:

Renewal season is here, and online renewal is available at the Indiana Professional Licensing Agency website (<https://secure.in.gov/pla/license.htm>). Many are taking advantage of this convenient option. Some people have had issues using the online renewal option. Once you enter your license number, the system should recognize who you are. If you do get a page asking for your Social Security number and birthdate, please DO NOT enter that information. It is not necessary for your license and will foul up the renewal process. If you run into this problem, please call Rebecca McMonigle at (317) 232-8791 for assistance. If submitting your renewal application by mail, it needs to be post marked by June 30. It's better to provide your information early and not wait until the last minute, as IDEM already has a large stack of applications waiting to be processed, and it will take about three weeks to get through the current applications.



For more information on wastewater operator certification and continuing education, visit IDEM's website: www.idem.IN.gov/cleanwater/2393.htm

IDEM – Office of Water Quality
 Compliance Branch
 (317) 232-8791
 (800) 451-6027, Option 5 (toll free within Indiana)