



**Indiana Department of Environmental Management  
Indiana Water Environment Association – Government Affairs Committee  
Meeting Minutes  
IGCN 12<sup>th</sup> Floor Conference Room D/Conference Call  
February 11, 2022  
1:30 PM – 3:00 PM**

**Agenda:**

1. Introductions
  - a. Martha Clark-Mettler (IDEM), Paul Higginbotham (IDEM), Camille Meiners (IFA), Andrea Alexander (South Bend), Brandi Wallace (Fort Wayne), Mark Curtis (Mishawaka), Brian Neilson (HWC), Tim Healy (Greeley & Hansen), Phillip Teague (Jones & Henry) and Brady Dryer (Commonwealth Engineers, Inc.).
2. IFA-SRF Update
  - a. Bipartisan Infrastructure Law [2022 SRF Indiana Estimated Allotment](#)
    - i. Total - \$127,705,000
    - ii. DWSRF - \$27,445,000
    - iii. DWSRF Lead Service Line Replacement - \$43,219,000 (49% grant dollars)
    - iv. DWSRF Emerging Contaminants - \$11,525,000
    - v. CWSRF - \$43,246,000
    - vi. CWSRF Emerging Contaminants - \$2,270,000
    - vii. Additional Guidance expected Summer 2022
    - viii. Includes Disadvantaged Communities Criteria – potentially based on Median Household Income.
  - b. State Fiscal Year (SFY) 2022 (July 1, 2021 to June 30, 2022)
    - i. Wastewater SRF - \$300M
    - ii. Drinking Water SRF - \$80M
  - c. PER Submittals
    - i. Early deadline for bonus points – April 1st
    - ii. Regular deadline – May 1<sup>st</sup>
    - iii. Electronic submittals acceptable
    - iv. 2 hard copies also requested.
  - d. Asset Management GRANT Program
    - i. Discontinued for SFY 2023
  - e. State Water Infrastructure Fund (SWIF)/Transportation and Stormwater Grants – No Round 2
  - f. Regional Meeting Requirements
    - i. Utility Representatives required to attend 1 meeting per year.
    - ii. Report participation by March 1<sup>st</sup> each year.



- iii. Required to be eligible for State-Supported Financial Resources.
  - g. Water Loss Audits
    - i. Conducted Annually.
    - ii. Certified Validator to validate every other year (even numbered year).
  - h. Staff Changes
    - i. Brett Roberts – DW Program Manager
    - ii. Erika Walker – Water Resource and Infrastructure Planning Project Manager
- 3. IDEM Staffing Updates
  - a. Facilities Construction Section Vacancies:
    - i. 1 Project Engineer
    - ii. 1 potential part-time opening.
  - b. Eileen Hack – Water Quality Standards Coordinator Retired
  - c. Richard Hamblin – Industrial Permits Section Chief
  - d. Permits Branch Vacancies
    - i. Municipal Section - 2
    - ii. Industrial Section - 2
  - e. Enforcement Section – 1 Case Manager Vacancy
  - f. New NW Indiana Compliance Initiative
    - i. Resulting in 2 WW Inspection Vacancies
  - g. 401 Water Quality Certification Group - 2 new wetland managers.
  - h. IDEM staffing levels overall remain at historic low at over 700 employees.
- 4. Asset Management/Cybersecurity Implementation
  - a. Required by IDEM for new and expanded WTPs and WWTPs.
  - b. Required by IFA for State-Supported Financial Resources
  - c. Both Drinking Water and Wastewater Guidance Final (attached with updated links to guidance)
  - d. Requires certification that permittee has the following:
    - i. Life Cycle Cost analysis
    - ii. Capital Asset Management Plan
    - iii. Cybersecurity Plan
  - e. Senate Bill 272 broadens permittee AMP requirement
- 5. Water Quality Standards
  - a. Triennial Review
    - i. Public comment period ended - no comments on WQS updates or revisions received.
  - b. Nutrient WQS review



- i. Ongoing to determine acceptable method to translate narrative to numeric criteria (i.e. chlorophyll and/or Dissolved Oxygen to Nutrients)
    - ii. EPA focused on Lake Erie watershed.
  - c. Water Quality Criteria for Metals Status
    - i. Final adoption by ERB in August 2021
    - ii. Signed by Governor November 2021
    - iii. EPA approval February 2022
  
- 6. 2012 RWQC Update
  - a. October 28, 2020 - [Citizens Petition public hearing](#) conducted at 1:30 PM:
  - b. November 18, 2020 - ERB members were asked to submit questions to IDEM and Petitioners in order to clarify positions and continue discussions. The [formation of a Work Group](#) was also agreed upon.
  - c. February 10, 2021 – The Petitioners requested additional time to address questions issued by the ERB. IDEM and the Petitioners agreed to meet as a group to discuss questions, solutions, implementation and report back to the ERB at the May 12, 2021 meeting.
  - d. Petitioner/IDEM updates provided at May 12, 2021; November 10, 2021; and February 9<sup>th</sup> ERB meetings.
  - e. Several work group meetings held with most recent on January 11, 2022.
  - f. Petitioners developing Focused Use Attainability Analysis (UAA) for small communities with upcoming review meeting with IDEM OWQ.
  
- 7. EPA Region 5 State Per and Polyfluoroalkyl Substances (PFAs) Drinking Water and Water Quality Standards
  - a. [Additional information available](#)
  - b. USEPA PFAS/PFOAS Drinking Water Lifetime Health Advisory – 70 ng/l
  - c. Large Drinking Water Systems (serving > 10,000 pop.)
    - i. Sampled in 2014 - 2015 as part of EPA's Unregulated Contaminant Monitoring Rule (UCMR).
    - ii. No verified PFAS detections were found during the UCMR sampling event.
    - iii. Sample Schedule: January 2023 – May 2023
  - d. Medium Drinking Water Systems (serving b/w 3,300 to 10,000) currently monitored (March 2021 – October 2021).
    - i. PFAS detected in raw.
    - ii. No PFAS detected in finished water.
  - e. Small Drinking Water Systems (serving < 3,300) will be monitored from November 2021 to December 2022.



- f. Fish Consumption Advisories put in place downstream of known areas of PFAS use (i.e. military bases.)
  - g. Fire Foam collection program under development.
  - h. No movement on Surface Water Quality Standards.
8. Federal NPDES Rule Update
- a. Requires use of updated Municipal NPDES Renewal Forms
  - b. [Proposed NPDES Renewal Forms](#)
  - c. IDEM requested feedback on forms found at link above.
  - d. IDEM to assemble Work Group to review/discuss implementation and changes.
  - e. [1<sup>st</sup> Public Notice March 2022](#)
9. EPA POTW Secondary Treatment Questionnaire Status
- a. No formal update provided
10. CSO Compliance
- a. Region 5/National Trends
    - i. Region 5 has hired a new CSO Lead
    - ii. Indiana has been nationally recognized for Wet Weather Limited Use Subcategory for CSO impacted waters.
  - b. Integrated Planning, etc.
    - i. Existing plans were discussed as integrated (Evansville)
    - ii. Indiana permittee integrated plans in progress.
    - iii. Forthcoming. Integration into Federal Regulations
  - c. Updated Financial Capability Guidance
    - i. [2020 Trump Administration Version](#)
    - ii. [2022 Biden Administration Version](#)
    - iii. IDEM would allow flexibility if communities opted to utilize.
11. Compliance/Enforcement Updates
- a. No Early Warning/Sewer Ban Updates provided
  - b. Sanitary Sewer Survey program ongoing – 5% permittees/year
  - c. New SSO Reporting Program under development to replace email reporting process.
  - d. Significant Noncompliance Reduction a primary goal.
  - e. Operation and Maintenance issues noted in inspections.
  - f. EPA focused on Environmental Justice.
12. Operator Certification Rule Work Group Update
- a. 2<sup>nd</sup> Notice Forthcoming



- b. Changes intended to:
    - i. Enhance recruitment.
    - ii. Clarify experience, equivalency, and education.
    - iii. Update treatment technology language
13. Construction/MS4 General Permit and Program Update
- a. Construction Stormwater General Permit (CSGP)
    - i. [Effective December 18, 2021](#)
    - ii. Continuation of coverage necessary for “active” projects formerly permitted under Rule 5.
    - iii. [Additional guidance available.](#)
  - b. MS4 General Permit (MS4GP)
    - i. [Effective December 18, 2021.](#)
  - c. [Additional guidance available.](#)
  - d. Notice of Intent developed and seeking approval through State Board of Accounts (Issued on April 8, 2022 and due to IDEM on July 5, 2022)
  - e. Anticipated 40 new MS4s
    - i. Process initiated with issuance letter
    - ii. May request exclusion or exemption.
14. 2022 IDEM/Legislative Updates
- a. Adapt to Waters of the US (WOTUS) changes
  - b. Implement SB 389 Wetlands Law/Participate in Wetlands Task Force
  - c. Continue implementation of permit fee rulemaking.
  - d. 2022 Bills
    - i. [Senate Bill 272 Wastewater Infrastructure](#)



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Bruno L. Pigott**  
*Commissioner*

## **Applicability and Implementation of IC 13-18-26: Wastewater Treatment Plants**

### **Certification Requirements for Wastewater Permitting:**

Amendments to Indiana Code 13-18-26, which went into effect on July 1, 2019, require certain NPDES permit applicants to certify that they have prepared and completed a life cycle cost-benefit analysis, a capital asset management plan, and a cybersecurity plan. The certification must be submitted to IDEM along with the NPDES permit application.

The requirements of IC 13-18-26 are applicable to the following NPDES permitting actions:

1. A permit for a new wastewater treatment plant with an average design flow greater than .1 MGD. The definition of “wastewater treatment plant” under IC 13-11-2-258(b) excludes industrial wastewater facilities.
2. A permit for the modification or expansion of a wastewater treatment plant greater than .1 MGD that increases the average design flow. The renewal of an NPDES permit that does not increase average design flow does not require a certification.

Due to the time and resources necessary to complete the plans and analyses, if an applicant cannot meet the certification requirements at the time of application submittal, IDEM will work with the applicant on a transitional basis up to June 1, 2020. After June 1, 2020, IDEM will not issue a permit to an applicant that is subject to IC 13-18-26 if the required certification is not included with the application packet, as required by IC 13-18-26-1(b).

### **Certification Example:**

Attached to this applicability memo is an example certification that meets the requirements of IC 13-18-26. A permit applicant may use this form, or develop their own form that meets the statutory requirements. Please note that the certification must be notarized.

### **Five-Year Review:**

The permittee must review the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan at least once every five years. If any of the plans or analyses are revised during the five-year review, the permittee must submit a new certification to IDEM with its NPDES renewal application.

### **Guidance on Developing Analyses and Plans:**

IC 13-18-26 describes what must be included in the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan. Similar analyses and plans are required by the Indiana Finance Authority’s State Revolving Fund (SRF) Loan Program under a different statute. IDEM is providing the following links to SRF guidance documents with information permit applicants may find helpful in meeting the requirements of IC 13-18-26. Please refer to IC 13-18-26, a copy of which is attached to this memo, for the specific requirements applicable to the certification submitted to IDEM.





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### **Applicability and Implementation of IC 13-18-26: Permit Applications for Community Public Water System (PWS) Treatment Plants.**

#### **Certification Requirements for PWS Permitting:**

Amendments to Indiana Code 13-18-26, which went into effect on July 1, 2019, require certain Community PWS permit applicants to certify that they have prepared and completed a life cycle cost-benefit analysis, a capital asset management plan, and a cybersecurity plan. The certification must be submitted to IDEM along with the PWS permit application under IC 13-18-16.

The requirements of IC 13-18-26 are applicable to the following PWS permitting actions:

1. A permit for a new PWS treatment plant, defined by IC 13-11-2-264, for a community water system.
2. A permit for the modification or expansion of a community PWS treatment plant that increases the system design capacity of the plant.

A system does not increase system design capacity if it is applying for a permit or submitting a notice of intent for:

1. The installation of new water mains.
2. The replacement of an existing drinking water well.
3. Chemical treatment that does not increase system design capacity.
4. Any other treatment improvements, process changes or modifications that do not increase system design capacity.

The requirements of IC 13-18-26 do not apply to noncommunity PWSs, including transient and nontransient noncommunity PWS.

Due to the time and resources necessary to complete the plans and analyses, if an applicant cannot meet the certification requirements at the time of application submittal, IDEM will work with the applicant on a transitional basis up to October 1, 2020. After October 1, 2020 IDEM will not issue a permit to an applicant that is subject to IC 13-18-26 if the required certification is not included with the application packet, as required by IC 13-18-26-1(b).

#### **Certification Example:**

Attached to this applicability memo is an example certification that meets the requirements of IC 13-18-26. A permit applicant may use this form, or develop their own form that meets the statutory requirements. Please note that the certification must be notarized.

#### **Five-Year Review:**

The permittee must review the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan at least once every five years. If any of the plans or analyses are revised during the five-year review, the permittee must submit a new certification to IDEM.



# EXAMPLE

**IC 13-18-26 Certification of Completion**  
**Drinking Water**  
**PWSID No. \_\_\_\_\_**

Indiana Code 13-18-26 requires the permit applicant to certify that the following documents have been prepared and completed:

- A Life Cycle Cost-Benefit Analysis, as described in IC 13-18-26-3;
- A Capital Asset Management Plan, as described in IC 13-18-26-4; and
- A Cybersecurity Plan, as described in IC 13-18-26-5.

The certification of completion must be submitted to IDEM along with the permit application, and must be notarized. The plans and analyses must be reviewed and revised (as necessary) at least once every five years. A new certification must be submitted to IDEM if any plan or analysis is revised during the five-year review.

I hereby certify that I am an authorized representative for the permit applicant and pursuant to IC 13-18-26, the permit applicant has developed and completed a life cycle cost-benefit analysis; a capital asset management plan; and a cybersecurity plan that meet the requirements of IC 13-18-26-3, IC 13-18-26-4, and IC 13-18-26-5. To the extent required under IC 13-18-26-6, the plans and analyses are available for public inspection.

Permit Applicant (Printed)	Signature	Date
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Authorized Representative (Printed)	Signature	Date
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Notary (Printed)	Signature
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My Commission Expires: \_\_\_\_\_  
(seal)

**IC 13-18-26 Chapter 26. Permit and Permit Application Conditions for Water and Wastewater Treatment Plants**

13-18-26-1	Certificate of completion required
13-18-26-2	Certification that documents have been prepared
13-18-26-3	Life cycle cost-benefit analysis
13-18-26-4	Capital asset management plan
13-18-26-5	Cybersecurity plan
13-18-26-6	Completion, periodic revision, and public disclosure of analysis and plans
13-18-26-7	Denial of permit application for failure to include notarized certification

**IC 13-18-26-1 Certificate of completion required**

Sec. 1. (a) Except as provided in subsection (c), a permit required under IC 13-18-16 for the operation of a public water system may not be issued unless the application contains the certification of completion required under section 2 of this chapter.

(b) Except as provided in subsection (c), the department may not issue a permit required under environmental management laws for the discharge from a wastewater treatment plant, as defined in IC 13-11-2-258(b), unless the application contains the certification of completion required under section 2 of this chapter.

(c) The requirement of a certification of completion under section 2 of this chapter does not apply to the following:

- (1) A noncommunity public water system that has fewer than fifteen (15) service connections used by year-round residents.
- (2) A noncommunity public water system that regularly serves fewer than twenty-five (25) year-round residents.
- (3) A permit for the modification or expansion of a drinking water treatment plant that does not increase system design capacity.
- (4) A permit for a wastewater treatment plant with an average design flow of not more than one hundred thousand (100,000) gallons per day.
- (5) A permit for the modification or expansion of a wastewater treatment plant that does not increase average design flow.
- (6) The renewal of an NPDES permit for the discharge from a wastewater treatment plant that does not include a modification or expansion as described in subdivision (5).

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.12.*

**IC 13-18-26-2 Certification that documents have been prepared**

Sec. 2. A permit described in section 1(a) or 1(b) of this chapter may not be issued unless the applicant submits, along with the permit application, a certification that all of the following documents have been prepared and are complete under the requirements of this chapter:

- (1) A life cycle cost-benefit analysis, as described in section 3 of this chapter.
- (2) A capital asset management plan, as described in section 4 of this chapter.
- (3) A cybersecurity plan, as described in section 5 of this chapter.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.13.*

**IC 13-18-26-3 Life cycle cost-benefit analysis**

Sec. 3. A life cycle cost-benefit analysis must include a comparison of the alternatives of:

- (1) meeting the water supply or wastewater service needs of the community or area served or proposed to be served through the operation of the water and wastewater treatment plant, as:
  - (A) owned and operated; or
  - (B) proposed to be owned and operated;according to the terms of the permit application; and
- (2) meeting the water supply or wastewater service needs of the community or area

served or proposed to be served through one (1) or more other potential means.  
*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-4 Capital asset management plan**

Sec. 4. A capital asset management plan must include all of the following:

- (1) A plan to annually review infrastructure needs of the water or wastewater treatment plant.
- (2) A detailed engineering analysis of asset conditions and useful life, to be used to develop an infrastructure inspection, repair, and maintenance plan.
- (3) An analysis of customer rates necessary to support the capital asset management plan, including emergency repairs.
- (4) A certification that the water or wastewater treatment plant has:
  - (A) a certified operator;
  - (B) a corporate officer or system manager; and
  - (C) access to an engineer, either on staff or by contract.

*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-5 Cybersecurity plan**

Sec. 5. A cybersecurity plan must provide for the protection of the water or wastewater treatment plant from unauthorized use, alteration, or destruction of electronic data.

*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-6 Completion, periodic revision, and public disclosure of analysis and plans**

Sec. 6. (a) The analyses and plans described in sections 3, 4, and 5 of this chapter must be:

- (1) complete under the requirements of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted;
- (2) reviewed and revised at least once every five (5) years, for as long as the permit holder operates the water treatment plant or wastewater treatment plant; and
- (3) except for customer specific data, including information excluded from public access under IC 5-14-3-4(a), or for a cybersecurity plan required under section 5 of this chapter, made publicly available.

(b) A certification that the analyses and plans described in sections 3, 4, and 5 of this chapter are complete under the requirements of this chapter must be submitted to the department:

- (1) under section 2 of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted; and
- (2) at least once every five (5) years after an application for a permit described in section 1(a) or 1(b) of this chapter is submitted, when the analysis and plans are reviewed and revised.

(c) A certification submitted to the department under this chapter must be notarized.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.14.*

**IC 13-18-26-7 Denial of permit application for failure to include notarized certification**

Sec. 7. Failure to include a notarized certification with an application for a permit described in section 1(a) or 1(b) of this chapter constitutes grounds for denial of the permit application.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.15.*

**Revised Links 04/08/21**

**Asset Management Plan:**

Checklist: <https://www.in.gov/ifa/srf/files/AMP-Checklist-for-Borrowers-July-2018.pdf>

Guidance: <https://www.in.gov/ifa/srf/files/AMP-Guidance-Packet-update-9-17-2019.pdf>

**Cost Benefit Analysis (see Chapter 4):**

<https://www.in.gov/ifa/srf/files/ww-per-requirements-july-2018-2.pdf>

**Cyber Security Checklist (see Appendix C):**

<https://www.in.gov/ifa/srf/files/AMP-Guidance-Packet-update-9-17-2019.pdf>