



**Indiana Department of Environmental Management
Indiana Water Environment Association – Government Affairs Committee
Meeting Minutes
Conference Room F/Conference Call
June 18, 2021
1:30 PM – 3:00 PM**

Agenda:

1. Introductions
 - a. Martha Clark-Mettler (IDEM), Jerry Dittmer (IDEM), Jason House (IDEM), Brian Wolff (IDEM), Camille Meiners (IFA), Sarah Hudson (IFA), Andrea Alexander (South Bend), Miranda Braun (Fort Wayne), Daniel Deeb (Schiff Hardin), Brian Neilson (HWC) and Brady Dryer (CEI).
2. IFA-SRF Update
 - a. State Fiscal Year (SFY) 2021 (July 1, 2020 to June 30, 2021)
 - i. Wastewater SRF - \$275M
 - ii. Drinking Water SRF - \$55M
 - iii. Interest Rates approximately 2.0%
 - 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. Electronic submittals acceptable
 - ii. 2 hard copies also requested.
 - d. Asset Management Program
 - i. \$500K available for assistance for SFY 2022
 - ii. 4th SFY for program.
 - iii. Post Project User Rates and MHI considered for award.
 - e. State Water Infrastructure Fund (SWIF)
 - i. \$50M for 2021 (another \$50M in 2022)
 - ii. Drinking Water-Wastewater-Stormwater Projects
 - iii. Design completed by January 1, 2022
 - iv. Bidding by April 1, 2022
 - v. Applications due July 15, 2021
 - vi. More info here: <https://www.in.gov/ifa/state-water-infrastructure-fund-swif-grants/>
 - vii. Scoring Criteria:
 1. Readiness to proceed/meet design and bidding deadlines.
 2. Median Household Income & Post-User Rate (fund matching with American Rescue Plan or other dollars is encouraged)



3. Environmental & Public Health Benefits.
 - f. Transportation and Stormwater Grants
 - i. \$60M for 2021
 - ii. Applications due July 29, 2021
 - iii. Intent to reduce flooding/benefit State Road
 - iv. Removal of connections of State Roads to Combined Sewer Systems is eligible.
 - g. Staff Changes
 - i. Brandi Rodriguez – Environmental Engineer
 - ii. Amber Porter – Environmental Engineer
 - iii. Kary Long – Post-Loan Monitoring
 - iv. Gale Hicks – DW and WW SRF Disbursement Coordinator
 - v. Artemis Nikolaou – from SRF to IDEM DWB
3. IDEM Staffing Updates
 - a. Kevin Czerniakowski is now Facilities Construction Permits Section Chief
 - i. Environmental Engineer Position Available due to Kevin’s move.
 - ii. Potential for contract project reviews to meet permit demands.
 - b. Samantha Groce is now the Wastewater Inspections Section Chief
 - c. Amari Farren will be OWQ Enforcement Section Chief
 - d. Kim Rohr (Operator Assistance/Sewer Ban Coordinator) has resigned.
 - e. Permits Branch - Municipal and Industrial Sections are fully staffed.
 - f. 401 Water Quality Certification Group has 2 vacancies.
 - g. IDEM staffing levels overall are historically low.
4. Asset Management/Cybersecurity Implementation
 - a. Applies to new and expanded WTPs and WWTPs
 - b. Both Drinking Water and Wastewater Guidance Final (attached with updated links to guidance)
 - c. Requires certification that permittee has the following:
 - i. Life Cycle Cost analysis
 - ii. Capital Asset Management Plan
 - iii. Cybersecurity Plan
5. Water Quality Standards
 - a. Triennial Review is ongoing
 - b. Nutrient WQS review is ongoing to determine acceptable method to translate narrative to numeric criteria.
 - c. Metals final adoption in August 2021.



6. 2012 RWQC Update
 - a. October 28, 2020 - Citizens Petition public hearing conducted at 1:30 PM:
<https://www.in.gov/idem/legal/2438.htm>
 - 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.
https://www.in.gov/idem/legal/files/rules_erb_20201118_summary.pdf
 - 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. 4 work group meetings held with another meeting scheduled in July 2021.

7. EPA Region 5 State Per and Polyfluoroalkyl Substances (PFAs) Drinking Water and Water Quality Standards
 - a. Additional information found at the following link:
<https://www.in.gov/idem/resources/nonrule-policies/per-and-polyfluoroalkyl-substances-pfas/>
 - b. Drinking Water Systems serving b/w 3,300 to 10,000 currently monitored.

8. Federal NPDES Rule Update
 - a. Requires use of updated Municipal NPDES Renewal Forms
 - b. See link for proposed NPDES Renewal Forms:
<https://www.epa.gov/npdes/npdes-application-forms>
 - c. IDEM requested feedback on forms found at link above.
 - d. IDEM to assemble Work Group to review/discuss implementation and changes.

9. EPA POTW Secondary Treatment Questionnaire Status
 - a. No formal update provided
 - b. Information immediately below from November 10, 2020 IDEM-IWEA GAC meeting:
 - i. < 10% participation rate
 - ii. Recent reminder sent by EPA
 - iii. Additional info found here: <https://www.epa.gov/eg/potw-nutrient-survey>

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. Additional integrated plans in the works
 - c. 2020 Financial Capability Guidance
 - i. Can be reviewed here:
<https://www.epa.gov/waterfinancecenter/proposed-2020-financial-capability-assessment-clean-water-act-obligations>
 - ii. Currently under review by Biden Administration
 - iii. IDEM would allow flexibility if communities opted to utilize.
 - d. Termination of enforcement agreements following level of control demonstration discussed.
11. Compliance/Enforcement Updates
- a. See attached Early Warning and Sewer Ban Lists
 - b. Significant Noncompliance Reduction a primary goal.
 - c. EPA has initiated inspections – mostly POTW pretreatment programs.
12. Operator Certification Rule Work Group Update
- a. 2nd Notice Forthcoming
 - b. Changes to enhance recruitment.
 - c. Changes to clarify experience, equivalency, and education.
13. Construction/MS4 General Permit and Program Update
- a. General Permit Public Notice
 - i. Over 300 comments received, and responses are underway.
 - ii. Final notice to be determined. Anticipated in next few months.
 - b. Audits of all MCMs ongoing throughout the state.
14. 2020 IDEM/Legislative Updates
- a. SB 389 Repeals State Wetland Law
 - i. Most pressing/time-consuming for IDEM
 - ii. IDEM is looking to work with legislature on compromise.
 - b. SB 271 Agency Bill
 - i. Goal to modernize certain processes i.e. remove tax exemptions from IDEM's purview and 303(d) posting for public comment.
 - c. IDEM Permit Fees – 1st public notice forthcoming.
 - d. Supply chain issues were discussed.
 - i. Facility issues obtaining chlorine tabs, polymers, etc.
 - ii. Delays with construction projects (i.e. LTCPs, Compliance Plan projects, etc.) due to limitations with obtaining materials.

County	Permit	Facility Name	Design	2020	2019	2018	Comments
Fountain	IN0039390	Kingman WWTP	0.07	217%	351%	287%	SB
Shelby	IN0038431	Creekside MHP		207%	175%	175%	SBEWR sent 2021
Henry	IN0040398	Mooreland	0.055	190%	163%	131%	SBEW
Hamilton	IN0022306	Atlanta	0.08	186%	190%	204%	HCR, SBEWR sent 2021
Hancock	IN0024503	Shirley	0.155	170%	177%	299%	HCR, SB
Henry	IN0041181	Golden Pebble MHP	0.03	146%	122%	101%	SBEW
Clinton	IN0020443	Colfax WWTP	0.11	144%	152%	123%	SB
Daviess	IN0034932	Montgomery	0.09	142%	178%	148%	HCR, SBEWR sent 2021
Morgan	IN0036820	Morgantown	0.16	141%	175%	150%	HCR, SBEWR sent 2021
Ripley	IN0055832	Silver Memories	0.0023	140%	319%	242%	SBEWR sent 2021
Decatur	IN0024830	Westport	0.17	137%	153%	151%	HCR, SBEW
Greene	IN0023639	Lyons	0.09	137%	154%	136%	HCR, SBEWR sent 2021
Decatur	IN0020842	St. Paul	0.15	130%	165%	150%	HCR, SBEWR sent 2021
Dubois	IN0023108	Holland	0.1	128%	155%	150%	HCR no Oct-Dec data, SBEWR sent 2021
Pike	IN0040789	Winslow	0.074	128%	160%	118%	HCR, SBEWR sent 2021
Vermillion	IN0063843	Dana	0.06	128%	141%	135%	SBEWR sent 2021
White	IN0021580	Monon	0.221	127%	174%	161%	SB
Randolph	IN0021512	Farmland	0.165	126%	140%	107%	SBEWR sent 2021
Clinton	IN0040355	Michigantown	0.09	123%	152%		SBEW, new plant in 2019
Pulaski	IN0040037	Francesville	0.086	118%	86%	85%	HCR, SBEW sent 2021
Ripley	IN0052523	Brownings Rec	0.024	117%	124%	154%	SBEWR sent 2021
Gibson	IN0022896	Fort Branch	0.7	114%	149%	122%	SBEWR sent 2021
Putnam	IN0045527	Clear Creek CD	0.4	114%	118%	74%	SBEWR sent 2021
Greene	IN0042650	Switz City WWTP	0.036	114%	102%	94%	SBEWR sent 2021
Blackford	IN0021491	Dunkirk	0.7	113%	108%	98%	SBEWR sent 2021
Henry	IN0040177	Knightstown	0.046	111%	114%	115%	SBEWR sent 2021
Scott	IN0020397	Scottsburg WWTP	1.35	106%	110%	111%	SB
Washington	IN0021644	Salem	1.6	106%	111%	104%	SBEWR sent 2021
Bartholomew	IN0051683	Harrison Lake	0.03	105%	101%	126%	SBEWR sent 2021
Tipton	IN0040762	Windfall	0.13	105%	81%	106%	SBEWR sent 2021
Greene	IN0021008	Jasonville WWTP	0.55	103%	119%	104%	SBEW
Dubois	IN0039748	Birdseye	0.08	102%	116%	121%	HCR, SBEW sent 2021
Hancock	IN0051691	Eastway Court Apartments	0.0334	100%	113%	211%	SBEW
Whitley	IN0020753	Miami Village	0.02	97%	18%	13%	SBEW sent 2021
Madison	IN0020028	Frankton WWTP	0.286	95%	113%	97%	SB
Union	IN0038911	Indian Hills	0.0108	95%	83%	137%	SBEW sent 2021
Gibson	IN0038288	Owensville	0.25	94%	131%	93%	SBEW
Montgomery	IN0021041	New Market WWTP	0.14	94%	107%	131%	HCR, SBEW sent 2021
Porter	IN0051446	Lake Eliza	0.102	94%	114%	91%	HCR no Nov or Dec, SBEW
Allen	IN0042391	Aqua-Midwest	3.5	93%	97%	111%	SBEW
Wayne	IN0054402	Western Wayne	0.804	93%	99%	56%	SBEWR sent 2021
Hamilton	IN0021334	Arcadia	0.304	90%	101%	105%	SBEWR sent 2021
Lawrence	IN0025623	Bedford WWTP		SSOs			Sewer Ban consideration letter 10/31/17 for SSOs



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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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.

EXAMPLE

IC 13-18-26 Certification of Completion Wastewater

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 (with the NPDES renewal application) 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

Authorized Representative (Printed)

Signature

Date

Notary (Printed)

Signature

My Commission Expires: _____

(seal)



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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.

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>