



**Indiana Department of Environmental Management
Indiana Water Environment Association – Government Affairs Committee
Meeting Minutes
Conference Room F/Conference Call
October 8, 2021
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) and Brady Dryer (Commonwealth Engineers, Inc.).

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. Due April 1, 2022
 - ii. Electronic submittals acceptable
 - iii. 2 hard copies also requested.
 - d. Asset Management Program
 - i. 4th SFY for program.
 - ii. Grants Available
 - iii. Post Project User Rates and MHI considered for award.
 - e. State Water Infrastructure Fund (SWIF)
 - i. Round 1 (SFY 2022) - \$50M (another \$50M in Round 2/SFY 2023)
 - ii. Drinking Water-Wastewater-Stormwater Projects
 - iii. Design completed by January 1, 2022
 - iv. Bidding by April 1, 2022
 - v. Applications were 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.
 - viii. 500 Applications requesting more than \$700M in assistance.
 - ix. 22 Recipients Selected: <https://www.in.gov/ifa/state-water-infrastructure-fund-swif-grants/>
 - x. Round 2 details to be released in Spring 2022
 - f. Transportation and Stormwater Grants
 - i. \$60M for 2021
 - ii. Applications were due July 29, 2021
 - iii. Scoring Criteria:
 1. Benefit a state road
 2. Provide a moderate to high level of co-funding, and
 3. Address stormwater management needs in residential areas.
 - iv. Removal of connections of State Roads to Combined Sewer Systems is eligible.
 - v. 61 Applications requesting more than \$140M assistance
 - vi. 25 Recipients Selected: <https://www.in.gov/ifa/transportation-and-stormwater-grants/>
 - g. Regional Meeting Requirements
 - i. Utility Representatives required to attend 1 meeting per year.
 - ii. Report participation by March 1st each year.
 - iii. Required to be eligible for State-Supported Financial Resources.
 - h. Water Loss Audits
 - i. Conducted Annually.
 - ii. Certified Validator to validate every other year (even numbered year).
 - i. Staff Changes
 - i. Brandi Rodriguez – Environmental Engineer
 - ii. Amber Porter – Construction Engineer
 - iii. Kary Long – Post-Loan Monitoring
 - iv. Gale Hicks – DW and WW SRF Disbursement Coordinator
 - v. Artemis Nikolaou – from SRF to IDEM DWB
 - vi. Staci Orr-Gardner – has taken a position with IN AWWA
3. IDEM Staffing Updates
 - a. Facilities Construction Section Vacancy – 1 Project Engineer with 1 potential part-time opening.
 - b. Permits Branch Vacancies
 - i. Municipal Section - 2
 - ii. Industrial Section - 2



- c. Enforcement Section – 1 Case Manager Vacancy
 - d. Christian Walker - Drinking Water Branch Groundwater Section Chief
 - e. Doug Wolf – Construction Site Runoff Inspector Retired
 - f. 401 Water Quality Certification Group - 2 new wetland managers.
 - g. IDEM staffing levels overall remain at historic low.
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
5. Water Quality Standards
- a. Triennial Review
 - i. Initiated on March 24, 2021
 - ii. Public Hearing to solicit comments on May 12, 2021
 - iii. No comments on WQS updates or revisions received.
 - iv. Limited Use and WQS Suspensions (i.e. CSO Wet Weather Limited-Use Subcategory) were discussed.
 - v. IDEM 2021 WQS Priorities:
 - 1. Update Downstate procedures for substances without USEPA National Recommended Water Quality Criteria (NRWQC)
 - 2. Adopt NRWQC aquatic life criteria for substances not included in Indiana rules including: acrolein, carbaryl, diazinon, nonylphenol and tributyltin.
 - 3. Update Indiana WQS Variance Rules to reflect 2015 USEPA Update.
 - 4. Update Indiana procedures for calculating human health criteria to reflect current USEPA guidance.
 - 5. Adopt new and updated human health NRWQC published in 2015 for 94 chemical pollutants.
 - 6. Remove limited use waters classification and waters classified for limited use.
 - 7. Adopt 2018 NRWQC for aluminum.
 - b. Nutrient WQS review



- i. Ongoing to determine acceptable method to translate narrative to numeric criteria.
 - 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 Gov. in October/November.

- 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. Petitioner/IDEM updates provided at May 12, 2021 and November 10, 2021 ERB meetings.
 - e. 5 work group meetings held with another meeting scheduled on December 13, 2021.
 - f. IDEM noted that they have had recent discussions with EPA where the concept of a Focused Use Attainability Analysis (UAA) was recommended.

- 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. 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.)

- 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.
 - e. 1st Public Notice Forthcoming.

- 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. 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. No Updated Early Warning and Sewer Ban Lists
 - i. Holly Zurcher to assume duties after departure of Kim Rohr
 - b. Significant Noncompliance Reduction a primary goal.
 - c. Operation and Maintenance issues noted in inspections.



- d. EPA focused on Environmental Justice.

12. Operator Certification Rule Work Group Update

- a. 1st Notice Completed
- b. 2nd Notice Forthcoming
- c. Changes to enhance recruitment.
- d. Changes to clarify experience, equivalency, and education.

13. Construction/MS4 General Permit and Program Update

- a. Construction General Permit
 - i. EPA non-objection Letter issued.
 - ii. Public Info Session on November 16, 2021
- b. MS4 General Permit
 - i. Permittees notified that non-objection from USEPA on November 5, 2021
 - ii. MS4 Info. Session on November 30, 2021
 - iii. Start date of new permit will be December 18, 2021.
 - iv. Final GP and IDEM responses to comments and related info. available at the following: <https://www.in.gov/idem/stormwater/resources/stormwater-program-transition-to-master-general-permits/>
- c. Additional implementation guidance for both forthcoming.

14. 2021-2022 IDEM/Legislative Updates

- a. SB 389 Repeals State Wetland Law
 - i. Result in fewer state-regulated wetlands.
 - ii. Jurisdictional issues with USACE and IDEM.
- b. Implement permit fee rulemaking.
- c. 2022 Bills
 - i. Tax exemptions on wetlands.
 - ii. Shift Water Loss Responsibility from IFA to IDEM.