Welcome and Introductions – See attached list for attendees.

A. Staffing Updates – Paul Higginbotham, Martha Clark-Mettler, Matt Prater
   i. SRF: Artemis Nikolaou brought her experience from Drinking Water to the SRF as a project engineer.
   ii. OWQ: There will be a posting for an environmental engineer to replace Artemis.

B. IFA/SRF/Brownfields – Camille Miners
   i. General Funding Update FY 2019
      • Wastewater loans closed to date: $368M leaving $20M remaining.
      • Drinking water loans closed to date: $135M which closes out the funding available for drinking water.
      • The SRF is considering a spring pool closing.
   ii. Water Infrastructure Finance and Innovation Act (WIFIA) Update
      • No update – a work in progress.
   iii. Feasibility for 35yr term on other project components
      • The extended term is intended for pipe projects, aligning with the useful life of the improvement. Adding other components is not likely at this time.
   iv. Asset Management Program (AMP)
      • 21 asset management grants have been given to the neediest communities which generally represented populations less than 10,000. These grants ranged in size from $21K to $25K.
      • A reminder that even if a grant is not awarded to an applicant, the AMP still qualifies to be included in the loan.
• SRF has seen asset management costs range from $21K-55K. The cost has been dependent on the system components and what the community currently has in place.

v. Interest Rate Trends
  • Interest rates appear to be ticking up, not going down. The new rates will be released in January and it is possible that they will be at a level that submission for GPR money is worthwhile.
  • GPR components can be added to projects after original project approval contact Camille if a community has interest in this approach.

vi. Flood Control Funding Beyond $250,000: Unfortunately, there is not a lot of funding to distribute and when it is used it generally is not restocked. It is unlikely that this funding level will be increased any time soon.

vii. Spring closings: The SRF is still considering a pooled closing. Financial advisors should contact Bill Harkins if there is interest.

C. SEA 362 – Paul Higginbotham
  i. Effective July 1, 2018. The department is hoping for clarification during this legislative session. They are currently operating as normal but are encouraging permittees to address the components required by SEA 362. IDEM is coordinating with SRF to ensure any IDEM requirements do not conflict with SRF Requirements. The SEA 362 requirements related to IDEM are:
    • Cost/Benefit Analysis (Life Cycle Costs): The SRF guidance will satisfy this requirement.
    • Capital Asset Management Plan: The SRF guidance will satisfy this requirement.
    • Cyber Security Plan: Continues to be a work in progress with an emphasis being placed on data protection and facilities protection. It is noted that AWWA has a tool that can be used in assessing Cyber Security. Overall development of protocols for the State are being worked on by the Department of Homeland Security and a presentation to IDEM is anticipated in the near future. The Governor’s initiative will address the power grid, utilities, highway’s /
roads and involve education and outreach and look at tailoring policies to work in small communities. General risks discussed:
  o 3rd party vendors
  o Protect / don’t share passwords
  o Fire walls
IDEM continues to welcome input from ACEC on the matter if there is any guidance to offer.

D. **Clean Water Permit Rules and Issues** – Paul Higginbotham
   i. NPDES Permit Update Rule Making - EPA is still working on the Phase-I update (definitions, applications, public notice requirements, cleanups, etc). EPA has not released a schedule for at Phase-II update yet.
   ii. Metals Rule Update. Discussion with EPA related to limits for selenium as well as other Indiana stakeholder concerns are slowing progress down. There is no date projection on this issue.
   iii. Aluminum – EPA just published an update on the aluminum water quality recommendation. IDEM may not include it on this rulemaking and wait until the next.
   iv. General Permit for Temporary Discharges – IDEM prepared the draft general permit, sent to EPA, and received a non-objection letter. The goal is to protect the receiving waters, and generally includes temporary discharges for less than 365 days. The permit is intended to be issued as a NOI similar to the Construction Stormwater Runoff permit. IDEM would put the monitoring requirements in the approval letter. IDEM welcomes input from ACEC and all comments should be sent to Catherine Hess before the end of January.
   v. Total Nitrogen Monitoring – IDEM Contact Jason House
      • Nutrients have been an issue for years. EPA is implementing a renewed call for action to reduce nutrient pollution and protect water quality.
      • Indiana lacks data on total nitrogen. Beginning January 1, 2019 any permit renewal applications for major sanitary discharges will be required to monitor for total nitrogen.
      • Jason will send out a frequently asked Questions and Answers document in January.
• Plants applying for a construction permit will not receive a total nitrogen limit.
• IDEM is not currently looking at total nitrogen limits; they are trying to fill an existing information gap.

vi. Ohio River Valley Water Sanitation Commission (ORSANCO) Updates
• ORSANCO has developed Pollution Control Standards (PCS) which states along the Ohio River have adopted; for example, IDEM’s rules directly incorporate ORSANCO standards.
• There has been discussion about removing the PCS from ORSANCO’s responsibility.
• IDEM is concerned on how to permit if ORSANCO PCS go away – new rules will be needed and anti-backsliding would also be a concern
• IDEM is trying to be proactive to think through the potential issues for the Commissioner:
  o Consistent standards for the Ohio River
  o Implementation issues

• Voting in February yes/no
• The State is receiving push back from environmental groups.

E. Drinking Water – Matt Prater
i. IDEM Update
• IDEM still has a contract with Mary Hollinsworth.
• Travis Goodwin is the contact for Cyber Security at Drinking Water.
• Following the America’s Water Infrastructure Act of 2018
  o Each community water system with a population greater than 3,300 persons shall conduct an assessment of the risks to, and resilience of, its system.
  o Certification that assessment complying with requirements must be made by:
    ▪ March 31, 2020, in the case of systems serving a population of 100,000 or more.
    ▪ December 31, 2020, in the case of systems serving a population of 50,000 or more but less than 100,000; and
• June 30, 2021, in the case of systems serving a population of greater than 3,300 but less than 50,000.

• Revised Total Coliform Rule
  o IDEM completed 533 assessments

• Stage 2 Disinfection Byproducts
  o 10 MCL violations compared to 86 in 2015.

• IDEM Drinking Water planning to give presentations about cybersecurity at conferences such as AWWA and IRWA.

F. Storm Water/Wetlands – Martha Clark-Metttler

i. Implementation of Construction Stormwater Runoff General Permit. Work is on-going to convert all permits by rule to administrative. Public notice will be issued when the rulemaking is complete which is projected for January of 2019. Planning to do rulemaking for three permits at once: Construction Stormwater Runoff General Permit, Allen County Special Provision, and MS4 General Permit

ii. General Permit Rule Conversion Update. Implementation of the update will make issuing general permits easier which will involve a public notice and submission of an NOI to the department. Still a work in progress.

iii. 401/404 Update. IDEM is having Federal level discussions with the EPA to take over the permitting responsibilities. As the Department works with the EPA, the State is developing a better understanding of the resources needed to take on the program and it may take some time to fully implement.

  • The State needs to establish equivalent requirements as the USACE. IDEM has been traveling to see what the USACE does.
  
  • Working on a draft MOU for Lake Michigan, Kankakee, Wabash and Ohio rivers.
  
  • The Department is preparing an estimate of resources needed to implement the program.
    o Compliance and enforcement
    o Estimate a need for 40 new staff adding $3 to 4M in cost each year.
    o Where does the money come from?
    o New fees could be implemented related to impact.
    o Statutory changes and rulemaking needed
The program will likely have EPA oversight until they are comfortable with the States program.

Likely implement in a phased manner through MOU’s with the EPA.

IDEM plans to submit package to EPA in the summer of 2019.

iv. In-Lieu Fee Program Update. The program adds 20% to the mitigation requirements for temporal losses. Martha will look into the reasons for the increase and respond back to ACEC. A possible 3 year loss of habitat and bank start-up / failure rate were discussed as possible factors.

v. In-Kind on-site Mitigation – It was noted by ACEC that the USACE does not take in roadside ditches as jurisdictional, but IDEM claims them as isolated wetlands. Martha will investigate why the State takes this position and get back with ACEC.

G. Legislative Issues – Beth Bauer, ACEC

i. Water Infrastructure Task Force – The report has been finalized and unanimously adopted by the Committee. Bills are being drafted for the next session with some of the following goals:

- Incentivize small communities
- Regionalization of utilities
- Unification of agencies – a possible water Czar

This meeting summary was prepared by Derek Frederickson and Shannon Killion, and represents the preparers’ best recollection of the meeting. If you have any modifications or additions, please send them to the preparer and the summary will be amended accordingly.
# IDEM/ACEC Indiana Environmental Business Committee Meeting

December 20, 2018  
1:30-3:30 p.m.  
IDEM Commissioner's Large Conference Room 13th Floor

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