ACEC – Indiana Environmental Business Committee

IDEM and IFA Briefing Meeting Minutes

March 6, 2019
1:30 p.m. to 3:30 p.m.
IDEM Commissioner’s Large Conference Room, 13th Floor
100 N Senate Ave, Indianapolis, IN 46204

AGENDA

Welcome and Introductions – See attached list for attendees.

I. Staffing Updates – Paul Higginbotham
   A. Lance Mabry filled the vacancy left by Artemis Nikolaou in Drinking water when she moved over to the SRF as a project engineer. A vacancy now exists for Mr. Mabry’s position.

II. IFA/SRF/Brownfields - Camille Meiners
   A. General Funding Update FY 2019
      1. Wastewater loans closed to date: $368M leaving $20M remaining. There are 3 closings left to be completed.
      2. Drinking water loans closed to date: $135M with no additional funding available for drinking water.
      3. Pool financing is planned in May.
      4. The next fiscal year begins in July and applications are due by June 14th, please call Shelley Love with questions.
   B. WIFIA Update – No update to offer at this time.
   C. Financing for lead service lines. The SRF clarified eligibility to include a “complete” replacement which extends to the premise plumbing (inside house). This will generally be marked by the water meter or a shut-off valve, whichever is closer. Services provided by the plumber for work inside the house is also eligible.
III. Clean Water Permit and Rules Issues – Jerry Dittmer
   A. NPDES Permit Rule Making-Impact to IDEM.
      1. The EPA issued the proposed rule update in 2016 and will be finalized June 12, 2019 when the final rule becomes effective. The State still needs time for public outreach and feedback which makes it difficult to meet the EPA deadline.
      2. The EPA website can be referenced to see the docket of proposed changes. EPA is waiting on approval from the Federal Office of Budget and Management to finalize.
      3. Indiana will need to make administrative rule changes to meet the new rules.
      4. The implementation timeline is 1 year for administrative changes and 2 years for statutory changes.
      5. The rule allows for electronic noticing. Indiana will need to determine if it will be allowed.
      6. Industrial applications should remain unchanged.
      7. Municipal applications will see big changes:
         a) New application
         b) Multiple pollutant scans
         c) Summary of events for CSO communities
         d) Federal forms apply only to Publicly Owned Treatment Works (POTW). Some communities in Indiana are not POTW so a more simplistic state form could be used for these communities.
      8. EPA will be performing quality review on applications
      9. IDEM plans to talk with EPA to discuss the impacts on both Land and Air permits.
   B. Metals Rule Update – progress has been made related to selenium mostly related to coal mining operations, and generally isolated to the southwest part of the state, which has been a hold up. Indiana may be able to move forward to preliminary adoption this year.
C. Blending – USEPA has backed off developing national standards and practices at this time. There is interest in establishing blending policies nationally which started in the State of Iowa. Although IDEM is not approving blending as a matter of practice, blending has been allowed in some CSO communities under 1994 guidance with specific requirements. Blending has not been permitting in sanitary only systems.

D. Indiana General NPDES Permit for Temporary Discharges
   1. IDEM thanks the EBC for their comments on the draft temporary general permit. They are still working on provisions for emergency situations before finalizing.
   2. IDEM is working on a drinking water backwash permit and will appreciate feedback from the EBC when the draft is available for review and comment.

E. Updates on Total Nitrogen Data Collection for Total Nitrogen for Major Sanitary Dischargers
   1. Monitoring will be required with permit renewals. 1 time / month. No permits have been issued yet.
   2. A single test for total nitrogen has not been approved; individual testing for TKN, nitrite, and nitrate is required. All sampling should be done in accordance with 40CFR136 approved methods. IDEM believes that implementation of approved sampling methods will reflect better on point source discharges. Non-approved methods could result in inflated limits. The State is seeking good defensible analytical data. EPA Region 5 has not approved Hach equipment for total nitrogen monitoring therefore Indiana has not approved it. Hach equipment is acceptable for phosphorus monitoring.

F. Update on Phosphorus removal for major dischargers.
   1. Total phosphorus limits where included in permit renewals starting in 2015. 80% of the major contributors (totaling 111) now have phosphorus limits with the remainder following in 2020.
2. Approximately 80% of the minor discharges in the Great Lakes Basin also have phosphorus limits with the remainder anticipated in 2020 as well. The State is currently not looking to add P limits to the minor dischargers outside the Great Lakes basin.

3. IDEM may allow up to 3 years for compliance with a legitimate justification to support the need.

4. ACEC is aware that some industry has moved their operations from systems with new P limits to systems that don’t in order to avoid the more stringent effluent limitations.

5. It is possible that future TDML’s may push the limits even lower.

G. ORSANCO Updates

1. Indiana is not going to do away with the ORSANCO standards in the Ohio River Basin. Modifications are proposed and will be noticed for comments on April 15 to tweak the standards, but IDEM does not believe that they will impact Indiana.

IV. CSO Topics

A. Are reports with community’s implementation timelines available online for community officials to access? IDEM hasn’t been asked to produce their wall reports in the past and would need to investigate the possibility of posting the reports online. Due to the department procedures put in place to post information, this would be a difficult task to complete and would not be high on the priority list. The Community can always contact the PM to get the information that they are looking for at any time. IDEM requested that the members of ACEC work with their Clients to remind them to send the Department updates in a timely manner.

V. Drinking Water – Matt Prater

A. PFAS. EPA is currently working on a PFAS action plan that will Propose a national drinking water regulatory determination for PFOA and PFOS, highlighting key information gathered by the Agency by the end of 2019. Drinking water standards should follow in 2021 with final limits in 2023.
1. EPA has issued a health advisory for PFOA and PFAS establishing a safe level of 70 parts per trillion. The group discussed sources of the contaminant including scotch guard, Teflon and tanneries.

2. In 2013, UCMR-3 data reflected a false detect in 1 case in Indiana.

3. The State of Michigan is investigating levels of PFAS in sludge production and the possible impact to land application.

B. Lead & Copper rule update. This is a work in progress, and we may see something finalized in 2020. EPA is currently updating the 3T guidance to reduce lead in drinking water and IDEM is also working on action level guidance that will be posted on their website in the future.

1. IDEM is working on guidance for schools and daycares.

2. IDEM also working on sampling methods after replacement of lead service lines.

C. Any new communities categorized as Ground Water Under the Direct Influence of Surface Water (GWUDI)? IDEM reports no new communities have been added to the list.

VI. Storm Water/Wetlands – Martha Clark-Mettler

A. Implementation of Construction Stormwater Runoff General Permit

1. Currently waiting on development of the MS4 update with committee meetings wrapping up last week. The next step is to reconcile the update with EPA requirements and may involve getting the group back together to make any needed changes.

2. The 2nd notice was issued in March to clean up language and to repeal Rule 13, Rule 5, and the Allen County On-Site Waste Management District.

B. General Permit Rule Conversion Update – the second notice will be published in April.

C. Update: In-Kind On-Site Mitigation: Road side ditches classified as isolated wetlands – understanding for this classification. The ACEC EBC Member with the
background on this question was absent from the meeting and was continued to the next meeting. IDEM suggested that the EBC share a specific project example to help illustrate the issue and facilitate discussion.

D. Update: In-Lieu Fee Program: 20% addition to mitigation being added for temporal losses, why is the increase being added? This is a standard EPA requirement and is intended to cover the loss of habitat for 3 years.

E. 404 Permit Program – continues to be a work in progress. IDEM is wading through the logistics of order for approvals, needed legislation, etc. There may be a one-year delay while things get sorted out. It’s also possible that the program will be able to be implemented in pieces.

F. IDEM is currently reviewing the new definition for “Water of the US” and how it would be implemented in the State of Indiana.

VII. Legislative Updates
A. Marty Wessler share insights from the Water Infrastructure Taskforce. Marty was not able to attend the meeting since he was testifying for SB 4.

B. SB 4 Water and Wastewater Utilities and Runoff

C. HB 1266 Sediment and Erosion Control-passed the House. This bill significantly reduces the time that the reviewing agency has to evaluate applications. ACEC and others have been informing sponsors of the upcoming changes to the MS4 permit.

D. HB 1406 Water Infrastructure Assistance Fund and Program.
   1. $20M was allocated in the budget for water infrastructure.

E. HB 1625 Impact of local unit Regulation on Housing Cost. Bill requires communities to prepare a fiscal analysis if a proposed regulation impacts the cost of housing.

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.
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