ACEC – Indiana Environmental Business Committee
Briefing Meeting Minutes with IDEM and IFA

June 7, 2022
2:00 pm – 3:30 pm
Indiana Government Center North
13th Floor Commissioner’s Large Conference Room

Call-in information:
Phone Number: 1-240-454-0887
Attendee Access Code 11086498, followed by #. When prompted enter # again.

MINUTES

I. Welcome and Introductions:
   A. EBC Committee Chair Mary Atkins opened the meeting welcoming committee members and IDEM/IFA representatives.
   B. Attendees included in-person and phone call-in participants. Attendance sheet attached.
   C. Committee members and IDEM/IFA representatives introduced themselves.

II. Committee Goals: The following EBC goals were restated.
   A. Continue to strengthen relationship with IDEM.
   B. Assist IDEM with LTCP post-construction monitoring protocol for ‘typical year’ CSO communities.
   C. Assist in other identified areas with specific initiatives.

III. EBC Subcommittee and Task Force Updates
   A. Conference Planning Committee – Planning is underway for the annual fall conference, to be held as a half-day session on Thursday, September 15, at the downtown Sheraton. There will be breakout sessions in the morning with a keynote luncheon speaker.
   B. CSO Working Group – This group assists IDEM in developing a process for determining levels of long-term control for event-per-year communities.
      1. Working Group met April 26 and is working on scheduling its next meeting. They typically meet every six weeks or two months.
      2. Consultants are developing a list of information ideal / needed for level of control compliance reports.

IV. Staffing Updates, IDEM:
   A. Martha Clark-Mettler, Deputy Assistant Commissioner
      1. IDEM struggling to find interested and qualified candidates in the current job market.
      2. IDEM is particularly short-staffed in industrial NPDES permitting positions.
      3. New operations Section Chief Samantha Whitaker works with Branch Chief Brian Wolff.
      4. Kim Rohr Senior Environmental Manager works with Branch Chief Jason House.
      5. Drake Abramson is the new Business and Legislative Liaison.
      7. Looking for new Agricultural Liaison.
      8. Section Chiefs are looking for help in filling positions. Applicants with engineering degrees will be strong candidates.
V. IFA/SRF/Brownfields Updates (Camille Meiners, IFA):

A. Staffing Updates: Camille Meiners, IFA.
   1. Jacob Schmicker, Clean Water Program Manager, returned to IDEM.
   2. Stacy Orr-Garner is now the Clean Water Program Manager. Her email is sorrgardner@ifa.in.gov.

B. General Funding Update:
   1. Closed $319 mil in Clean Water loans and $95 million (15 loans) in Drinking Water. 10-12 loans are yet to close this fiscal year.
   2. PERs came in early this year. IFA is working on PPLs and fundable range for next fiscal year. PPL likely to be published July 1.
   3. IFA will likely be contacting those in fundable range by July 1 regarding potential timing of closings. IFA is trying to limit closings to 20 per quarter.
   4. Any PER submittals between now and end of June will be listed unranked on the PPL.
   5. IFA anticipating having pool of financing coming available in August.

C. BIL Funds (Federal)
   1. IFA is required to apply for these BIL funds and identify what funds will be spent on.
   2. 49% of funds received will be in form of grants to disadvantaged communities (communities at <= 80% State MHI based on census tract data). IFA recommends holding on any income surveys and waiting to see where your community falls on PPL.
   3. Anticipate late July or early August determination on grant to loan ratios for disadvantaged communities. Make sure the community financial advisor is working closely with IFA. In budgeting, IFA wants user rates to be based on loans as opposed to grants.
   4. IFA will likely have separate PPL for lead service line only projects. This will probably have a similar process to development of other PPLs.
   5. BABA (Build American Buy American) requirements: IFA plans to submit waiver allowing use of AIS requirements as opposed to BABA requirements if the engineering and planning was begun for the project prior to May 14, 2022.

D. Stormwater Snapshot/Survey with ACEC Subcommittee
   1. No update at this time.

E. Pre-Planning Meeting (PPM) Process
   1. For first time borrowers, IFA will have PPM meeting with community and financial advisor.

F. Clean Water Needs Survey
   1. The Clean Water Needs Survey is underway and needs to include every community.
   2. IFA will give points for completion of survey when scoring projects.
   3. The Drinking Water Needs survey is mostly complete.

G. Supply Chain and Equivalent Materials / Equipment
   1. ACEC members have seen material quality concerns, even from approved manufacturers, due to shortages and ramped-up production.
   2. Given shortages, construction observation and inspections are important to ensure that specified items of appropriate quality are used in the work.
   3. IFA does require at least part-time inspection on projects.
   4. ACEC members are seeing bids coming in high. IFA noted they will work as best as possible with awarded communities in this situation where bids come in above budget.
VI. Drinking Water (Matt Prater):

A. PFAS Sampling Updates.
   1. Phase I Medium Systems (population 3,300-10,000) sampling program completed. This included 105 systems. Final data review is underway. Data will be available on website. There were a few detects in raw water, but nothing above the current advisory level.
   2. Phase II Small Systems (population under 3,300) sampling underway. Thus far, finished water results are below EPA-required health advisory levels.
   3. As of the meeting date, EPA health advisory level is 70 ppt for PFOA and PFOAS; however, this advisory level may be lowered by EPA soon.
   4. Phase III Large Systems (population over 10,000) sampling will take place in 2023.
   5. EPA will have proposed PFAS rule in fall 2022, with a final rule in fall 2023.

B. Construction Permitting Update
   1. So far IDEM has seen over 200 NOIs and Drinking Water Construction Permits.
   2. IDEM has been having issues with incomplete applications. Examples of issues include lack of compliance with Ten States Standards, missing Alternative Technical Standards, missing specifications.
   3. IDEM provided an emailed summary list of common application issues after the meeting, attached to these meeting notes.
   4. Regarding expansions, note that SEA 4 requires that whenever a utility is expanding capacity, it must certify that it has a completed AMP, cybersecurity analysis, and life cycle benefit cost analysis.

VII. Storm Water/Wetlands (Brian Wolff and Martha Clark-Mettler)

A. General Permit Rule Conversion and Environmental Rules Board Meeting:
   1. Rule 5 General Permit
      a) The transition for the construction stormwater general permit continues.
      b) The recently sent notice of suspension of coverage on construction stormwater Rule 5 permits did produce 2,000 continuation of coverage requests; however, IDEM is still waiting on 3,000 requests.
   2. Rule 13 General Permit
      a) The MS4 general permit is out. There is a July 5 deadline set for continuation of coverage. To date, IDEM has received 5 out of 184 NOI continuation of coverage requests.
   3. Industrial Stormwater General Permit:
      a) EPA reviewing draft General Permit prior to the advisory group starting to meet. An invite to advisory group potential members will be forthcoming.
   B. ACEC noted that MS4’s would see value in notification of industrial applications.
      1. An example would be the recent approval of a cooling water industrial wastewater release within an MS4.
      2. IDEM noted that the advisory group will include MS4 representation.
   C. Indiana Stormwater Quality Manual update:
      1. IDEM summer intern is making good progress with draft overall manual update.
D. Wetland Regulations Changes & Impacts:
   1. IDEM is offering training on the classification worksheet in an online session on June 8.
   2. IDEM continues to request feedback on classification guidance.
   3. Classifications per last year’s new statute are resulting in more Class 3 wetland classifications than previously.
   4. WOTUS definition change: EPA soon to release for notice a 401 improvements rule relating to the Trump rule that was stayed and then unstayed.
   5. IDEM has traditionally collaborated with Army Corps on simultaneous 401/404 applications. Now, a 404 notification may be required with 401 requests.

E. Wetlands Task Force (SEA 389):
   1. The Task Force is meeting regularly.
   2. The Task Force is soliciting input across the spectrum and balancing input from different members and presenters.
   3. There are two more sessions. The Task Force will next meet in August.

F. RGP and Nationwide Permits:
   1. The Corps is now trying to utilize Nationwide Permits if possible. The RGP is still available if a project truly does not fit Nationwide Permit requirements.
   2. Brian Wolff noted that applicants can still use the RGP notification form for Nationwide Permit application for coverage.
   3. There are a few projects that might qualify for the Corps Nationwide permit but still require an IDEM Individual 401 permit.
   4. IDEM noted there is currently a huge backlog for jurisdictional determinations in all Corps districts. The backlog is on the order of 6-12 months for federal wetlands and 12-18 months for isolated wetlands. To save schedule time, one option would be to do a pre-JD and assume everything is jurisdictional.

VIII. Clean Water Permit and Rules (Martha Clark-Mettler & Paul Higginbotham):

A. Nutrient Criteria
   1. IDEM noted that EPA Region 5 has formally objected to a permit in Ohio with a 1 mg/L phosphorus limit in its discharge to Lake Erie. Ohio is pushing back and has requested a public hearing on the EPA objection, which is scheduled for June 8. The EPA may be laying groundwork for more stringent lake nutrient criteria.
   2. Recently, Michigan drafted a western Lake Erie basin permit to which EPA objected and proposed very low, difficult to achieve limits. To resolve this, Michigan countered with a proposed 0.5 mg/L phosphorus limit, and EPA agreed to this limit.

B. Environmental Rules Board (ERB) Meeting Update
   1. ERB will meet June 8.
   2. Paul Higginbotham plans to send the ERB agenda to ACEC.
   3. Agenda items include renewal of the Angola chloride variance and an update on petitioner request for UAA options for CSO communities.
   4. IDEM is working through a significant comment letter to be able to go to second notice on water quality rule-making.

IX. Wastewater & CSO Topics (Paul Higginbotham)

A. General LTCP and Post-Construction Monitoring status update.
   1. IDEM at full speed doing audits. No significant changes.

B. Total Nitrogen sampling findings / observations:
   1. IDEM started including TN monitoring in 2019 major permit renewals.
   2. Analysis is not yet complete; IDEM is still gathering data.
C. Construction Permitting Update
   1. IDEM construction permitting is short-staffed. There are greatly increasing numbers of applications and will be more with federal stimulus funds.
   2. If applications are incomplete, IDEM allows seven days to address deficiency or application is thrown out.

D. Supply chain delays.
   1. IDEM is seeing some projects get delayed due to supply chain issues.
   2. If a community is experiencing treatment chemical supply issues, keep IDEM informed so that they aware on the compliance end.
   3. Significant paperwork and coordination are required to address compliance relating to these supply chain schedule issues, especially on consent decree projects.

E. IDEM is getting close to issuing a second notice on operator certification requirements update.
   1. The updates aim to balance maintaining integrity of the certification program with increasing flexibility due to operator shortages.

F. PFAS
   1. Regulations will likely be coming in the future on PFAS for wastewater.
   2. We could be seeing a few effluent limitations guidelines (ELGs) requiring monitoring.
   3. IDEM is not aware of testing to date on PFAS in Indiana wastewater. However, it might make sense to start PFAS monitoring in wastewater to assess potential treatment requirements.
   4. Professor Lee (Purdue researcher on PFAS in biosolids) may be coming to the ACEC September conference to share regarding her research and findings.
   5. Wisconsin is starting to do testing at wastewater treated effluent discharges. Indications are that federal limits might be coming within the next decade.

X. Legislative Updates

   A. Drainage Task Force – IDEM Involvement – No update at this time.

This meeting summary was prepared by Jim Breckler and Mary Atkins 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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Info below from Paul and Matt.
Related to drinking water construction permit applications. Please share with others in your firm who may find this useful.
Thanks.

Mary Atkins, P.E., C.P.E.S.C., LEED AP | Vice President
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**WARNING: External email, verify sender before opening attachments or clicking on links.**

Mary and Bob –

At the last ACEC meeting, the question was asked about common problems in DW construction applications. Matt provided me the below to send to you:

Below is a list of the “common” problems we are seeing with the DW construction permit applications.

- Incomplete or no capacity certification letter;
- Incomplete drawings – especially not showing the sanitary and storm sewers;
- Water main alignments and hydrants placements that don’t conform to the sewer separation requirements;
- Clearly identifying locations where the separations from the sewers cannot be achieved and what alternative to the technical standards are proposed to provide the needed separation from the potential sources of contamination in the sewers;
- Inclusion of and reference to AWWA Standard C655 Field Dechlorination which clarifies the requirements for disposing water containing chlorine generated during the various disinfection procedures contained in AWWA Standards C651, C652, C653 and C654;
- Computations clearly showing the range of chemical feed rates required for each chemical, and the volumes of chemicals used when operating at the design average day rate, design maximum day rate, and plant capacity; and
- Computations clearly showing the volume of storage required (based on design average day and required maximum feed rate) for each chemical to comply with the 30 day storage requirement.
AGENDA
INDIANA ENVIRONMENTAL RULES BOARD
Indiana Government Center - South
Conference Room A
Public Entrance at 10 North Senate Avenue
*Zoom Information
Indianapolis, Indiana

Wednesday
June 8, 2022
1:30 p.m.

A. Call to Order
Quorum

B. Approval of Meeting Summary of February 9, 2021

C. IDEM Reports
Commissioner’s Report
Rules Update

D. Rules

1. Daviess and Pike County SO2 Redesignation. Adoption of amendments to 326 IAC 1-4-15 and 326 IAC 1-4-64. LSA #21-258.
   (a) Public Hearing concerning proposed rule.
   (b) Board Consideration of final adoption of proposed rule.

2. State SO2 and Porter County Designations. Adoption of amendments to 326 IAC 1-4. LSA #21-515.
   (a) Public Hearing concerning proposed rule.
   (b) Board Consideration of final adoption of proposed rule.

   (a) Public Hearing concerning draft rule.
   (b) Board Consideration of preliminary adoption of draft rule.

4. Angola Chloride Variance Revisions. Preliminary adoption of 327 IAC 2-1.5-17. LSA #22-110.
   (a) Public Hearing concerning draft rule.
   (b) Board Consideration of preliminary adoption of draft rule.

E. Non-Rule Actions
1. Non-Rule Policy Document
   Risk-based Closure Guide, NPD-Waste-0046-R2
2. Citizen’s Petition

F. Other Matters
1. Open Forum

2. Tentative Date and Location of Next Meeting**
To be determined, 1:30 p.m., Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

3. Board packet information can also be retrieved via the Internet as early as one week prior to the meeting at: http://www.in.gov/idem/legal/2355.htm

G. Adjournment

*Join Zoom Meeting

The public may attend the ERB meeting in person or join by using the Zoom link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: https://events.in.gov/idem.

** Dates and Locations of Board Meetings are subject to change. For confirmation, please check with the Rule Development Section, Office of Legal Counsel at (317) 232-8922 or (800) 451-6027, ext. 2-8922, or kkindric@idem.in.gov.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785(V). Speech and hearing impaired callers may contact the agency via the Indiana Relay Service (711) or 1-800-743-3333. Please provide a minimum of 72 hours notification.

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