MINUTES

I. Introductions
   A. EBC Committee Chair Bob Page opened the meeting by 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. IFA/SRF/Brownfields (Camille Meiners)
   A. Staffing updates:
      1. IFA plans to hire another engineer.
      2. Gayle Hicks is still the contact on disbursements. Stephanie Mulkey assists.
   B. Funding update:
      1. Full schedule, with year-end quarterly closings and next two quarters looking full.
      2. There has been some shuffling of closings due to quarterly oversubscriptions.
      3. Pooled loan availability notifications went out just before Thanksgiving.
      4. Expect further shifts in calendar associated with pooled loans.
      5. IFA applied for BIL funds ($43m WW, $27 DW, $43 Lead).
      6. 49% of BIL funds must be awarded as grants to disadvantaged communities (communities at 80% or less of state MHI of $46,600).
   C. BIL (Bipartisan Infrastructure Law)
      1. Lead Service Line Funding
         a) IFA reached out to EPA with questions for clarifications on lead service line programs.
         b) IFA looks at lead service line programs from a funding eligibility standpoint, whereas IDEM and IFA look at these programs from a requirement / regulation standpoint.
         c) Thus, there has been some back and forth on exactly where valves and meters are to be placed. IFA is working to clarify.
2. EPA BABA approved waivers.
   a) The BABA waiver has come through. If a community can show they initiated planning work on a project prior to May 14, 2022, BABA waiver will likely apply.
   b) SRF can apply waiver to general federal fund capitalization monies. Thus, if it’s possible to grab a large borrower to increase general fund equivalency, IFA may be able to accommodate further flexibility.

D. Clean Water Needs Survey
   2. May reach out for consultant input.

E. Stormwater Snapshot / Survey
   1. Sarah Hudson is working on this and anticipates completion near end of year.

F. IFA / ACEC Coordination Items
   1. Local Agencies and Consultant Qualifications
      a) Several months ago, IFA contacted ACEC about assisting locals in meeting BIL requirements relating to consultant qualifications.
      b) The aim was to make sure the process was QBS-oriented so locals could work with their preferred capable firms while fully meeting state needs for qualifications.
      c) ACEC members have been assisting.
      d) Erica Walker is working on this item.
   2. Central Indiana Water Development
      a) IFA notes that Kurt Fulbeck and IEDC are primary contacts.
   3. PER Guidance
      a) IFA, with ACEC input, is preparing updated PER guidance materials.
      b) Draft updated guidance materials are in place with updated format and reduced number of chapters.
      c) IFA pulled out a few items and added clarifications to address required items.
      d) Drinking Water now requires Net Present Worth calculations, like Wastewater.

III. IDEM Staffing updates (Paul Higginbotham)
   A. State compensation study
      1. Report has been finalized, providing for helpful staff compensation adjustments.
      2. For example, an entry engineering position that was roughly at $38k is now at roughly $53k.
      3. This will hopefully aid in retaining and attracting staff.
   B. IDEM split Stormwater and Wetlands into two sections.
      1. Jay Turner now Section Chief of Wetlands section.
      2. Randy Braun head of Stormwater section.

IV. IDEM Drinking Water
   A. PFAS sampling updates (Paul Higginbotham)
      1. Phase 1 medium-size utility survey is completed.
2. Phase 2 small systems survey is nearing end.
   a) Some resampling required due to changed health advisory levels from EPA.

B. EPA is planning on releasing proposed MCLs for PFAS at the end of this year. IDEM notes that PFAS tests are very sensitive tests with strict handling requirements. IDEM evaluating detection limits of available tests versus anticipated MCLs.

C. Construction permitting update
   1. Increase in applications over last year.
   2. Anticipate that this will continue due to federal aid.
   3. Recently added reviewer in wastewater construction permitting.

D. Schedule for Lead Line Identification
   1. Paul reiterated that lead service line inventories are due late 2024 and noted that EPA will emphasize this.

E. Emerging Contaminants Definition
   1. ACEC inquired on any further guidance / clarifications for “emerging contaminants”.
   2. Paul noted that IDEM will investigate and advise.

V. IDEM Storm Water / Wetlands (Brian Wolff)
A. General permit updates
   1. Construction Stormwater General Permit – Continuation of Coverage. Filings for continuation of coverage continue to slowly trickle in.
   2. MS4 General Permit. NOI submissions from MS4s for general permit coverage are coming in and being processed. IDEM submitted to 38 MS4s and have had approximately 16 requests for waivers.
   3. Rule 6 – Industrial General Permit change over.
      a) An advisory group is in place and has had two meetings. The group has 19 members with a mix of consultants, industry, municipalities, and MS4s. Aggregates, lumber, manufacturing are also represented.
      b) Likely by this time next year IDEM will have updated general permit rule sent out after public outreach and comments.
      c) In summary, the process is moving, but anticipate late next fall at the earliest for rollout.

B. Indiana Stormwater Quality Manual update
   1. The Manual update is complete and submitted for upload to website.
   2. Updated Manual should be uploaded soon.

C. Impact of wetland regulation changes
   1. IDEM is still waiting on Supreme Court determination regarding hearing on wetlands case in western United States.
   2. EPA released new draft rule for WOTUS and IDEM understands that final rule will not look much different.
   3. May have 10-15% more state regulated wetlands as opposed to federal regulated wetlands based on draft rule; however, could be impacted by SCOTUS action.
4. Jurisdictional Determinations (JDs)
   a) JDs are currently taking around 18 months.
   b) IDEM is working on SOP for obviously isolated waters to alleviate this timeframe. This SOP potentially involves accepting an email comment from USACE reps (short of full JD). In this scenario, there would be language in the waters of the state letter that if WOTUS determination does change from the preliminary email assessment and the project has moved forward on that basis, the applicant will be responsible for the implications of the final WOTUS determination. USACE Louisville and Detroit districts are on board, and IDEM is waiting on Chicago input.
   c) IDEM recommends utilizing the pre-JD process if waters are obviously WOTUS.
5. Update on the Wetlands Task Force:
   a) Report noted that wetlands are an important and multi-faceted topic.
   b) Recommended further classification guidance, annual meetings with consultants, worksheet on how to qualify for exemptions, and statewide rapid assessment method.
   c) Task Force suggested new “Class 0” classification for minimal benefit wetlands; however, this would require legislative change.
   a) The Corps prefers the use of Nationwide Permits as opposed to RGPs.
   b) The Corps may require submittal under NWP; however, IDEM still allows use of RGP.

VI. IDEM Clean Water Permit and Rules Issues (Paul Higginbotham)
   A. Nutrient criteria implementation
      1. No significant updates since last meeting.
      2. Nitrogen monitoring for major dischargers still being implemented. IDEM does not anticipate nitrogen limits in foreseeable future.
      3. Ohio and USEPA Region 5 continue negotiation on a recently disputed phosphorus limit for direct discharge to Lake Erie (1 mg/L vs < 0.1 mg/L).
   B. Environmental Rules Board Updates
      1. Further consideration of the Citizens 2012 recreational criteria petition has been rejected by the ERB.
      2. IDEM still intends to still work to help smaller event per year communities find pathway forward to alleviate UAA requirements and still meet EPA requirements.
   C. Water quality standards rule making
      1. IDEM working on three-year update. Paul will share agenda with details on water quality standards rule making.

VII. IDEM Wastewater and CSO Topics (Paul Higginbotham)
   A. General LTCP and Post-Construction Monitoring status update.
      1. No significant changes.
B. Construction permitting update:
   1. There has been a constant increase in applications over the last few years.
   2. IDEM anticipates a further increase in applications due to BIL money.
   3. There is a new reviewer on staff to assist Kevin Czerniakowski.
C. Operator certification requirements update:
   1. A reordered, simpler process is under development.
D. PFAS in wastewater and biosolids:
   1. IDEM anticipates an increased emphasis/limits on PFAS in biosolids. IDEM waiting for more federal determinations.
   2. EPA just released memo with guidance on what states can do in interim until formal federal limits established.
   3. There have been some discussions on monitoring for PFAS in wastewater and biosolids. ACEC checking in with Professor Lee at Purdue, who has expertise in this subject. IDEM may be meeting with other states that have implemented PFAs requirements.

VIII. Legislative Updates (Paul Higginbotham)
   A. Public notice requirements may be clarified and made more flexible.

This meeting summary was prepared by Jim Breckler and Bob Page 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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