



IDEM Update

**2015 Environmental and Safety Conference
Elkhart Chamber of Commerce**

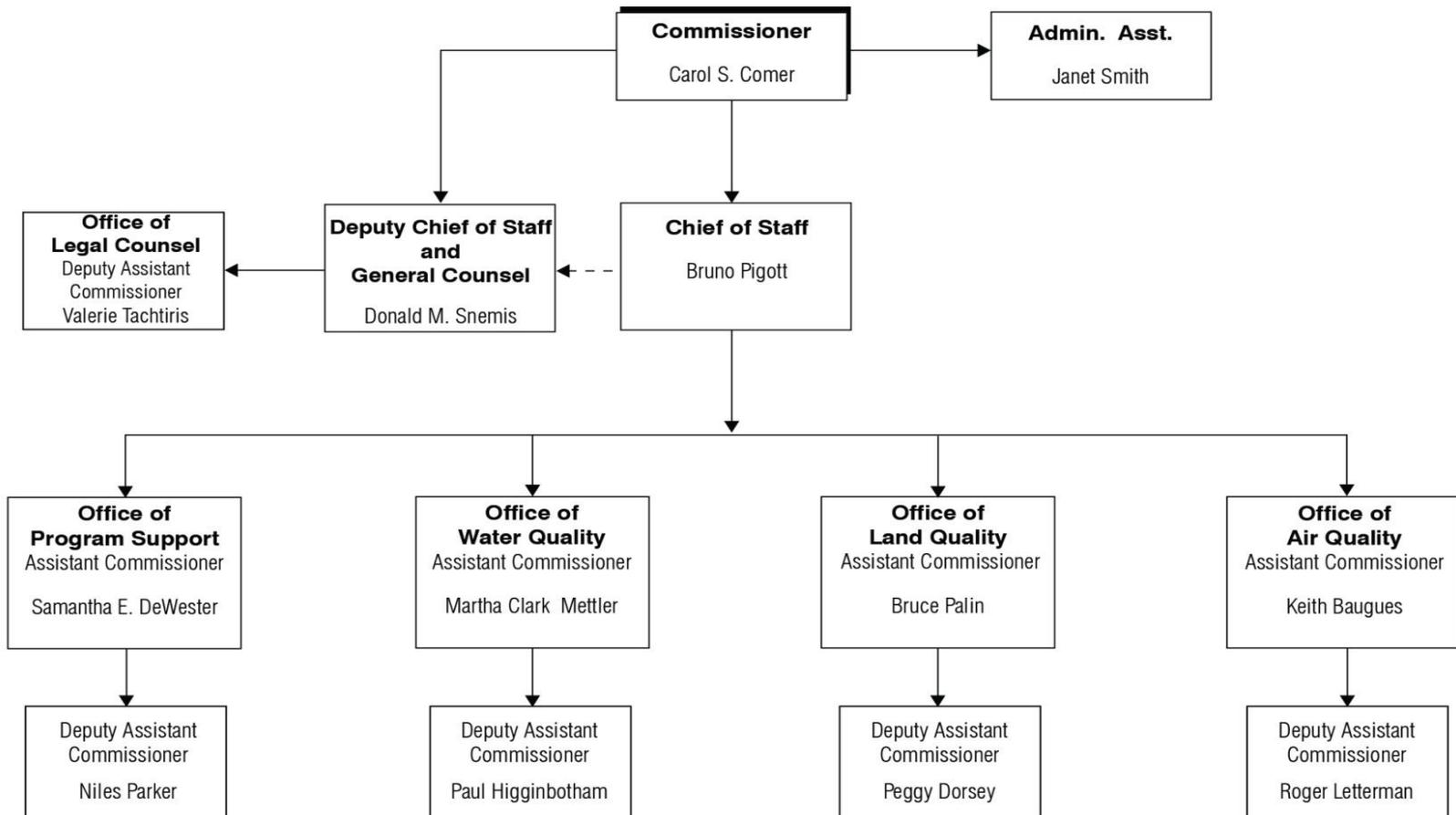
November 4, 2015

Carol S. Comer, Commissioner

Indiana Department of Environmental Management



Leadership Team



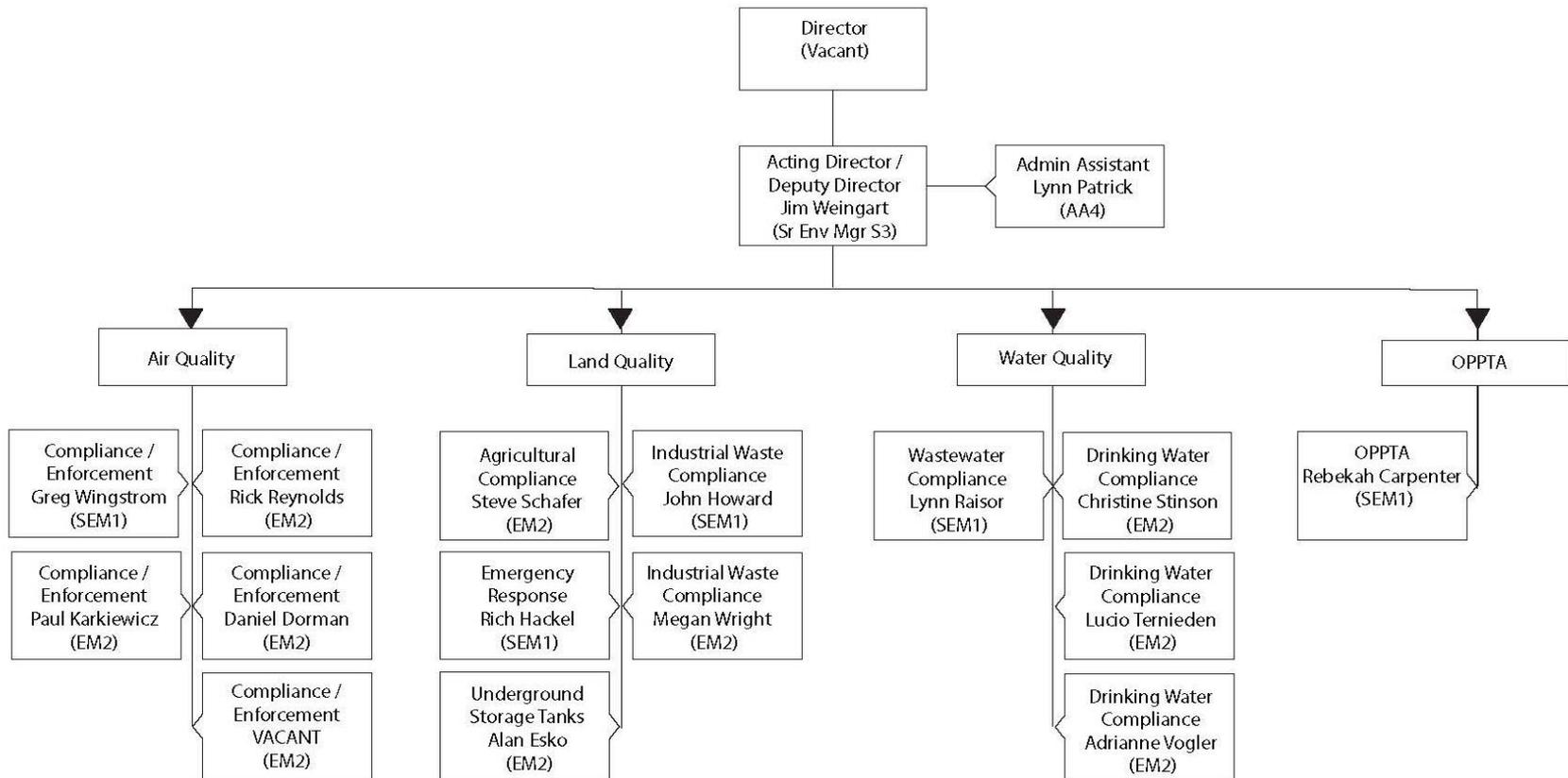


Northern Regional Office

- Serves Dekalb, Elkhart, Fulton, Kosciusko, LaGrange, Marshall, Noble, St. Joseph, Starke, and Steuben Counties
- The NRO is managed by Deputy Director James Weingart
- The NRO is comprised of fourteen compliance and enforcement staff:
 - One Compliance Assistance Representative
 - Five Air Inspectors (Permits and Asbestos)
 - One Waste Water NPDES Inspector
 - Three Drinking Water Branch Inspectors
 - One Emergency Responder
 - One Hazardous Waste Inspector
 - One Industrial Waste Inspector
 - One CFO/CAFO Inspector
 - One UST Inspector



Northern Regional Office



Total Number of Staff = 18



Protecting Hoosiers and Our Environment While Becoming the Most Customer- Friendly Environmental Agency

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial and government activities vital to a prosperous economy.



How Does IDEM Protect Hoosiers and Our Environment?

- Developing regulations and issuing permits to restrict discharges to environmentally safe levels.
- Inspecting and monitoring permitted facilities to ensure compliance with the permits.
- Using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations.
- Educating people on their environmental responsibilities.
- Cleaning up contaminated sites to eliminate public exposure to toxics and returning properties to productive use.



Performance Metrics September 2015

Result Targets Comments

Quality of Hoosiers' Environment

% of Hoosiers that live in counties that meet air quality standards	91.00	100%	80%	Ozone in Clark, Floyd, Greene and LaPorte Counties; Muncie Lead; Sulfur Dioxide in parts of Daviess, Marion, Morgan, Pike and Vigo Counties.
% of CSO Communities with approved programs to prevent the release of untreated sewage	98.17%	100%	90%	98+9 (107) out of 99+10 (109). Not Gary and Hammond.
% of Hoosiers that receive water from facilities in full compliance with safe drinking water standards	97.57%	99%	95%	Due to the implementation of a new rule (Stage2 Disinfectant/Disinfection ByProducts Rule) on small systems and small surface water systems have exceeded the MCL for TTHM and HAA5.

Permitting Efficiency

Total calendar days accumulated in issuing environmental permits, as determined by state statute*

Land	26,613	32,134.25	35,914.75	37,805 statutory
Air	24,852	36,911.25	41,253.75	43,425 statutory
Water	34,392	63,240	70,680	74,400 statutory

* Places emphasis on back logged permits

Compliance

Total percentage of compliance observations from regulated customers within acceptable compliance standards*

Inspections	97.08%	97%	75%
Self reporting	96.93%	99%	95%
Continuous monitoring (COM)	99.80%	99.9%	99%

* Tracks observations and not just inspections

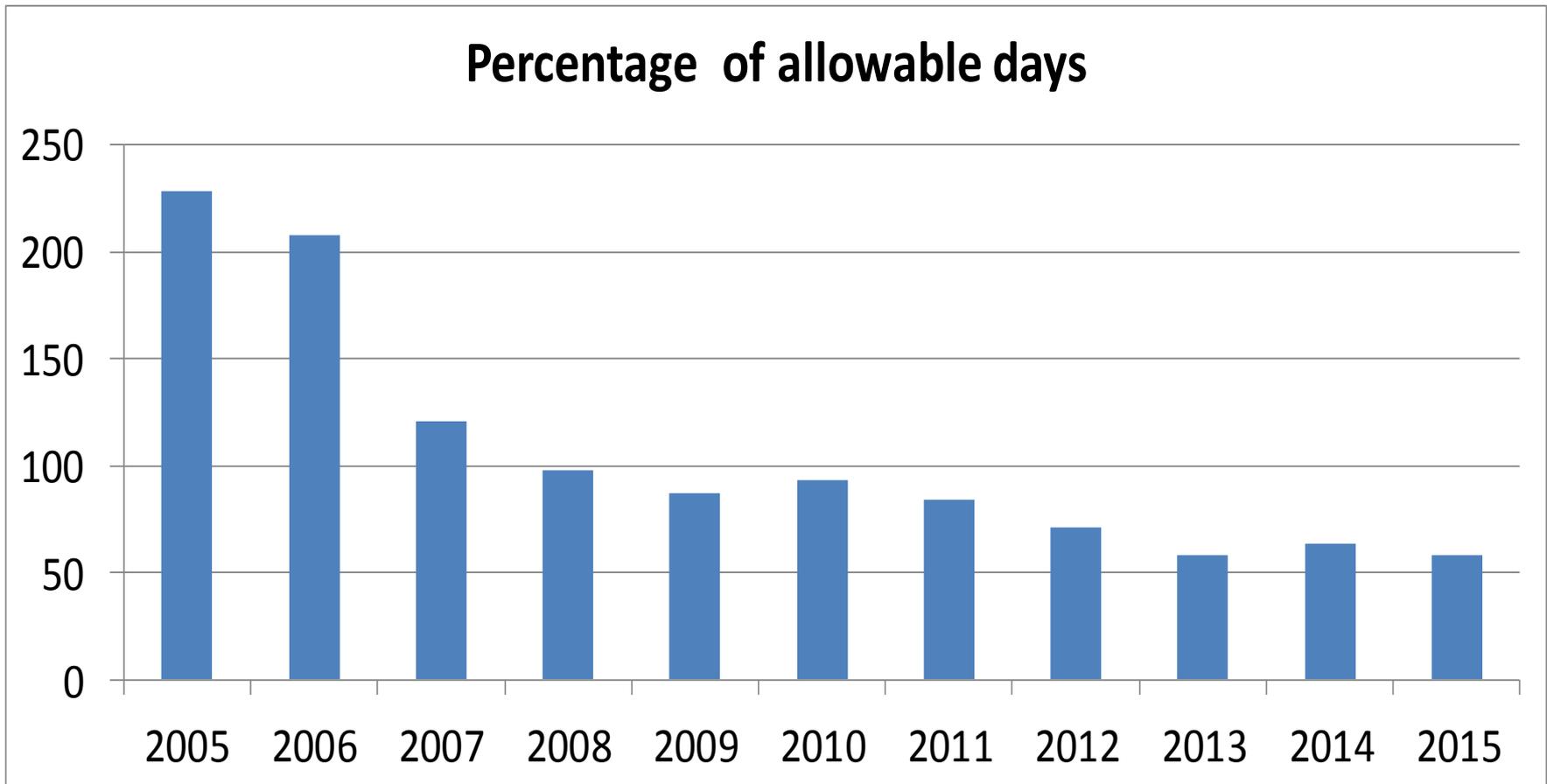


Performance Metrics June 2005

<i>Quality of Hoosiers' Environment</i>	Result	Target	Comments	
% of Hoosiers in counties meeting air quality standards	61%	100%	80%	12 counties and 2,408,571 of 6,195,643 residents above standard
% of CSO Communities with approved programs to prevent the release of untreated sewage	4%	100%	20%	75% by 2007 is goal
Permitting Efficiency Total calendar days accumulated in issuing environmental permits, as determined by state statute*				
Land	100,013	66,565	86,864	
Air	511,000	207,000	385,000	
Water	301,000	48,000	200,000	
* Places emphasis on back logged permits				
Compliance Total percentage of compliance observations from regulated customers within acceptable compliance standards*				
Inspections	95.46%	97%	75%	
Self reporting	97.11%	99%	95%	
Continuous monitoring (COM)	99.19%	99.90%	98.95%	
* Tracks observations and not just inspections				
Organizational Transformation Budgetary agency dollars spent on key outside contracts for core agency functions.				
Dollars spent on outside services per year	\$6,179,367	\$0	\$3,447,017	



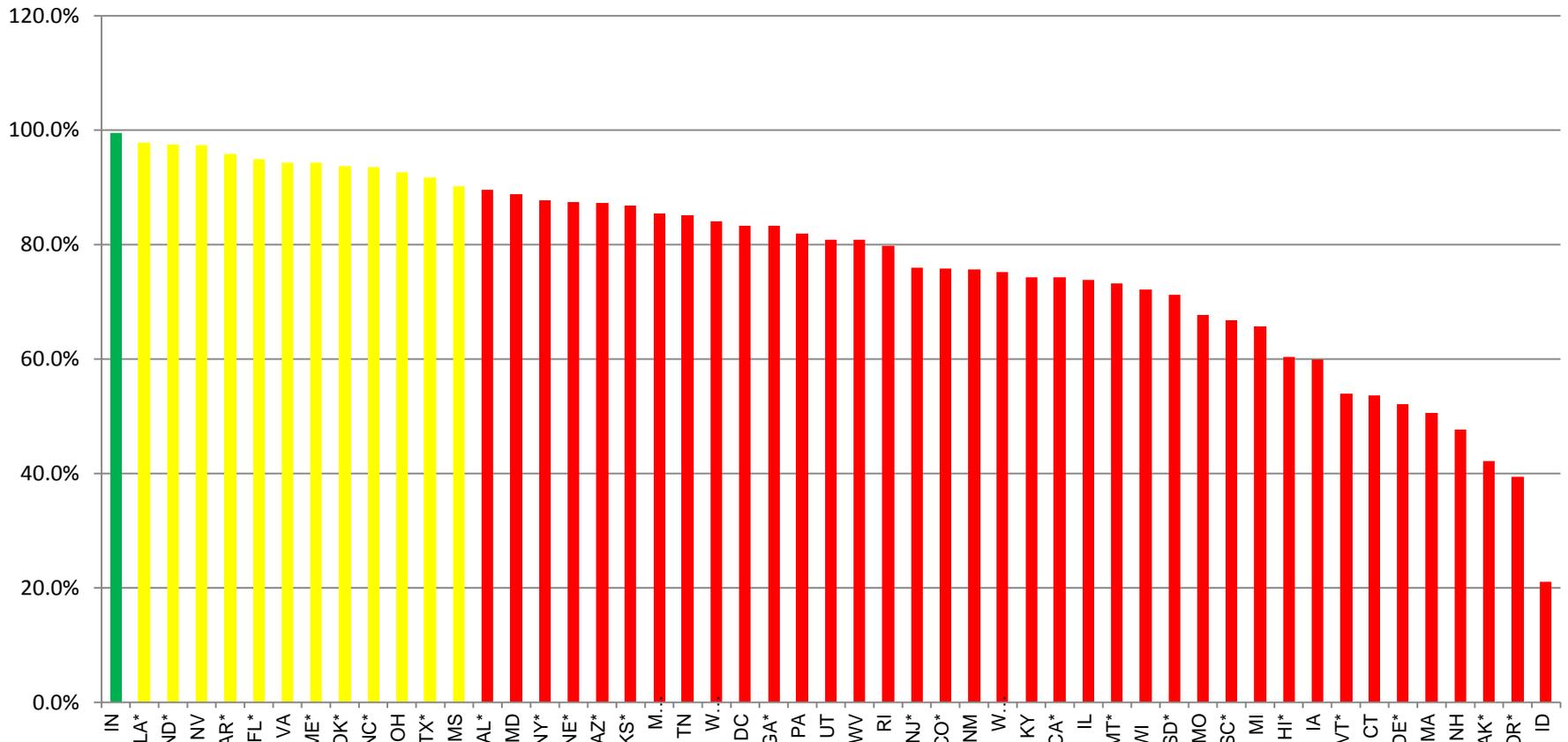
Permits--Percent of Statutory Days





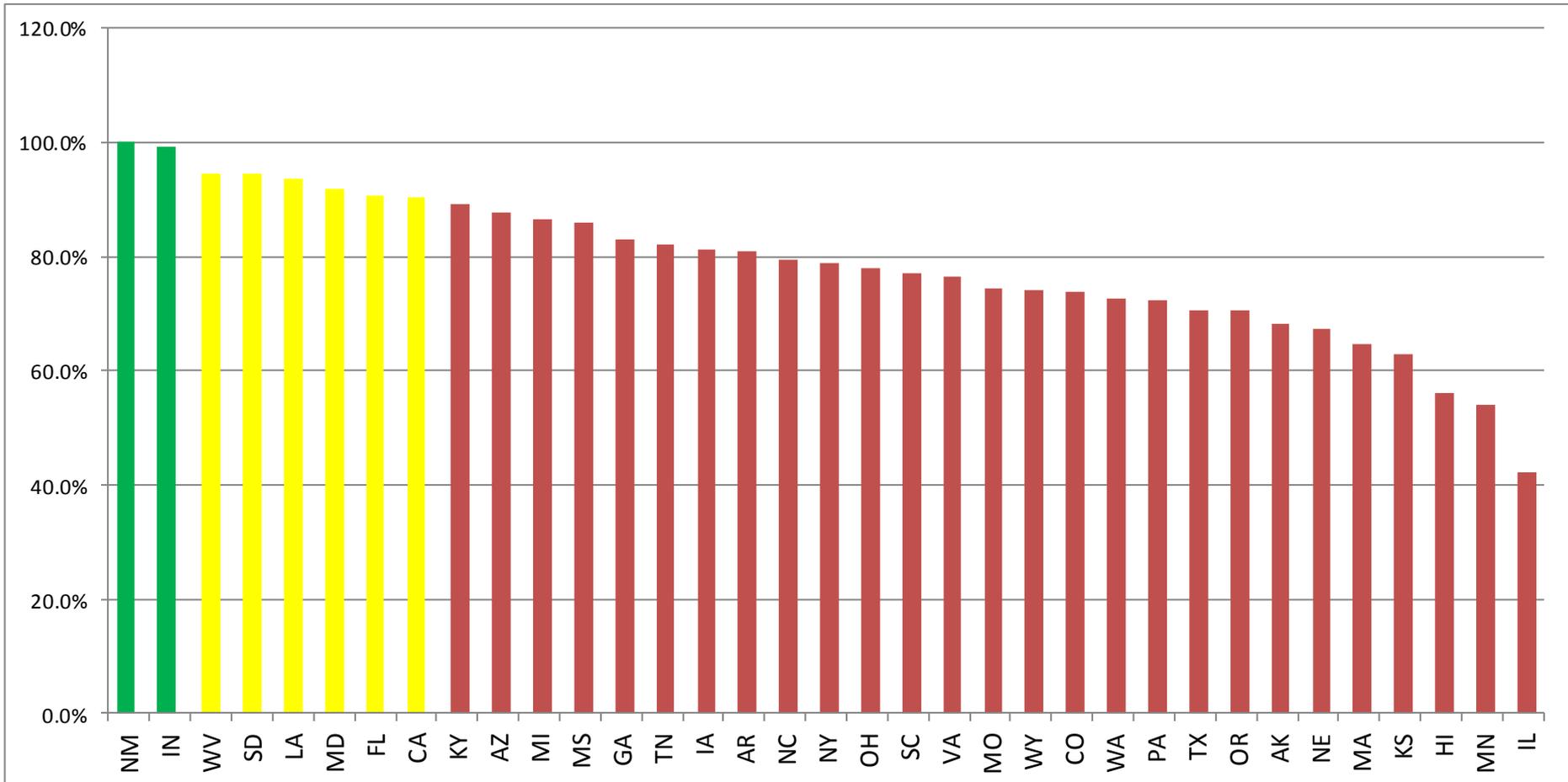
Indiana is Best in NPDES Permitting

Total % Current Wastewater Permits





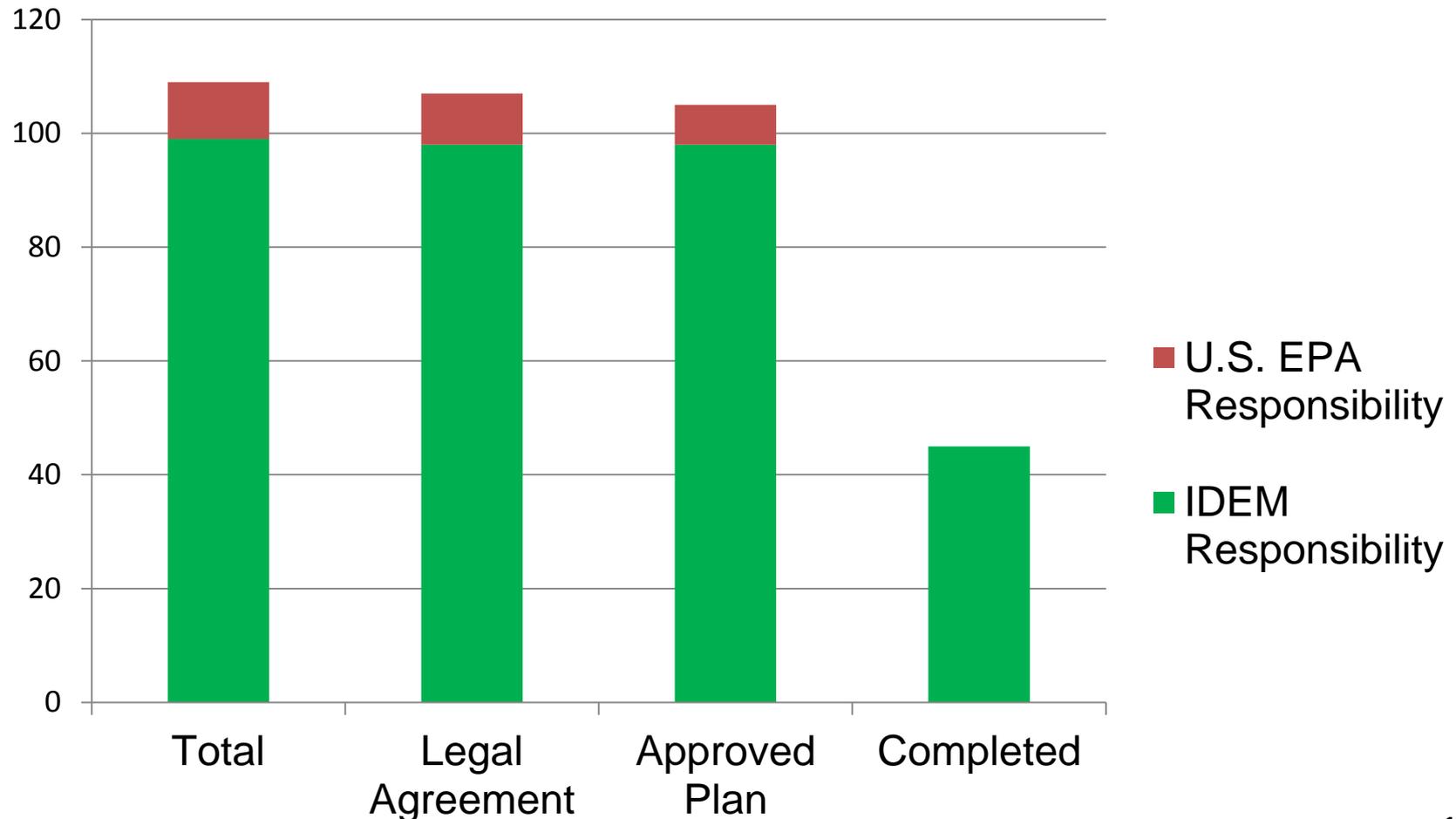
Title V Permitting (March 2015)





Water Quality

Indiana Combined Sewer Overflow Status





Elkhart Combined Sewer Plan

- Elkhart agreed to make \$155.6 million worth of improvements to dramatically reduce overflows from the City's Sewer System.
- The improvements will reduce the volume of the City's raw sewage discharges by an estimated 135 million gallons during a typical year of rainfall.
- The improvements will reduce discharges by 96% system wide.
- A Consent Decree was entered by the Court on November 30, 2011.
- The City's Long Term Control Plan was approved December 15, 2011.
- The Plan consists of a combination of increased pumping capacity, storage, sewer separation, and increased treatment capacity at the wastewater treatment plant.
- The Plan is to be fully implemented in 2029, unless a different schedule is approved by EPA and IDEM or ordered by the Court.



National Nonpoint Source Success Story

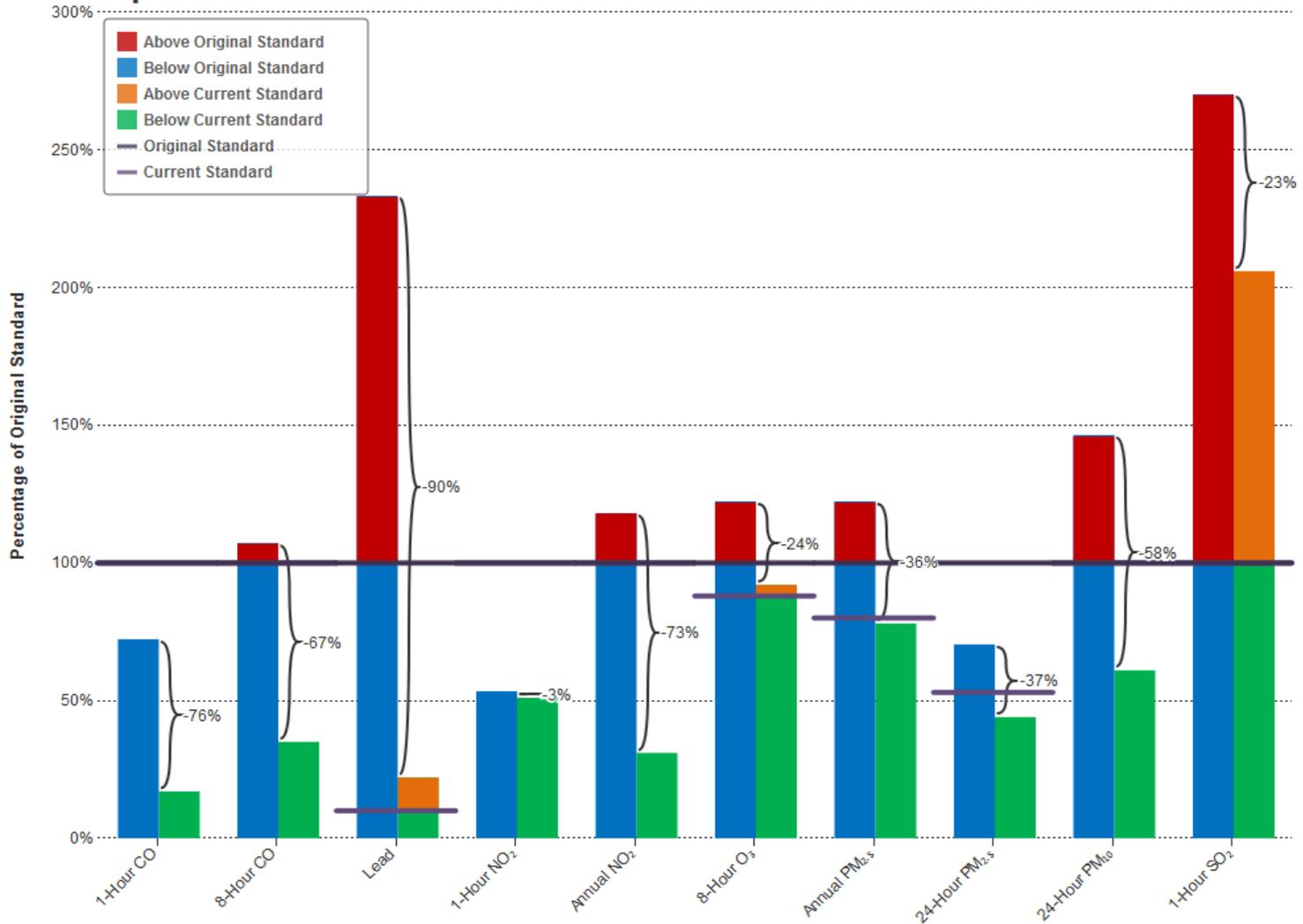
Reducing Livestock-Induced Pollution in Emma Creek

- Emma Creek is a tributary to the Little Elkhart River.
- Agricultural runoff resulted in impaired biological conditions and failure to attain ammonia standards.
- Numerous partners implemented best management practices throughout the Emma Creek watershed, resulting in decreased pollutant runoff, resulting in improved water quality in Emma Creek and the Little Elkhart River.
- Water quality improvements are the result of collaboration between the Lagrange County Soil and Water Conservation District, IDEM, the Indiana Department of Natural Resources, the Great Lakes Commission and the Natural Resources Conservation Service.

http://water.epa.gov/polwaste/nps/success319/in_emma.cfm



Comparison of 2014 Monitor Values to Historical Peak Monitor Values - Statewide

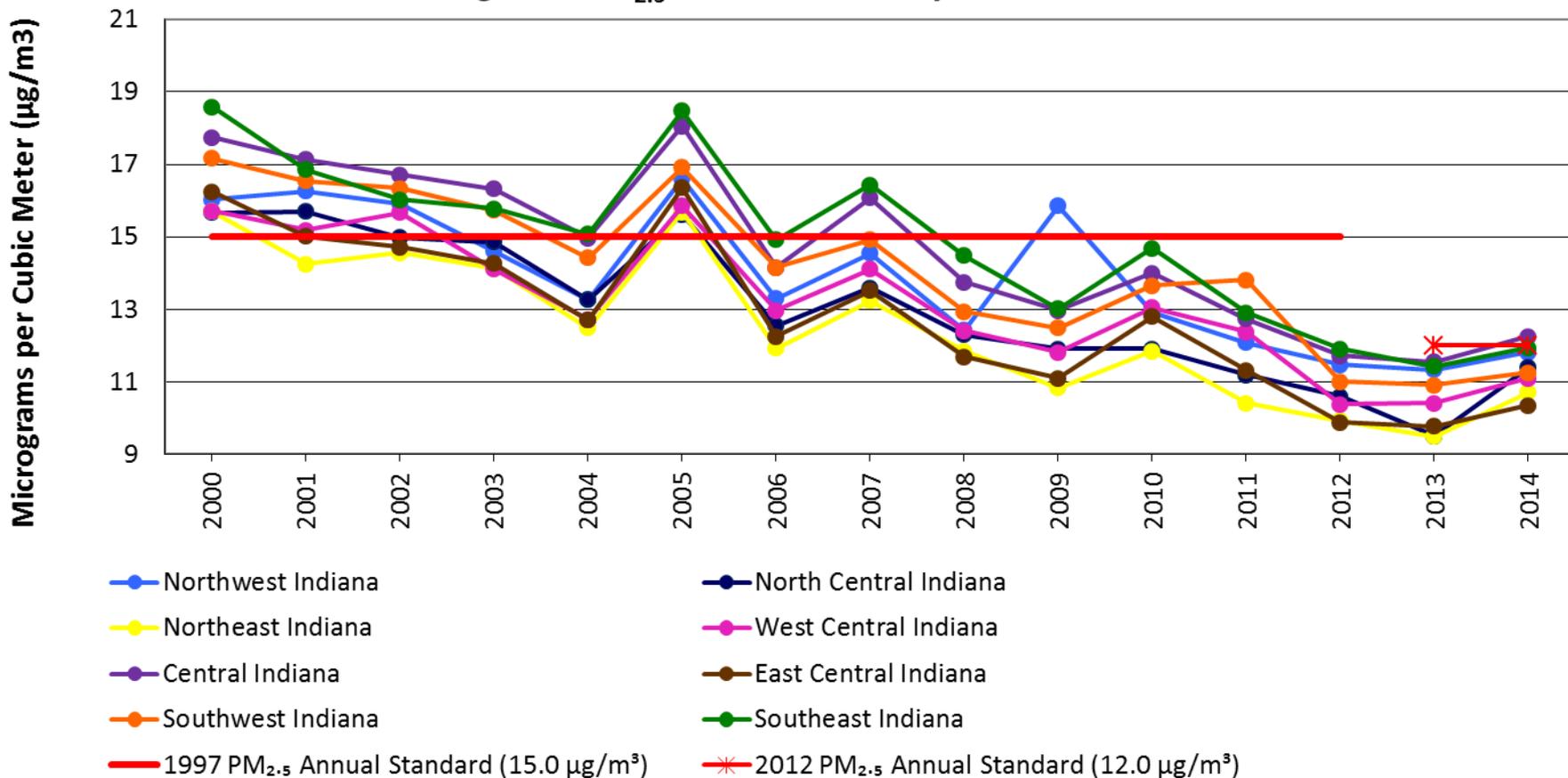


Contains most current data available at time of update. Some pollutants may still be awaiting certification.



Particulate Matter

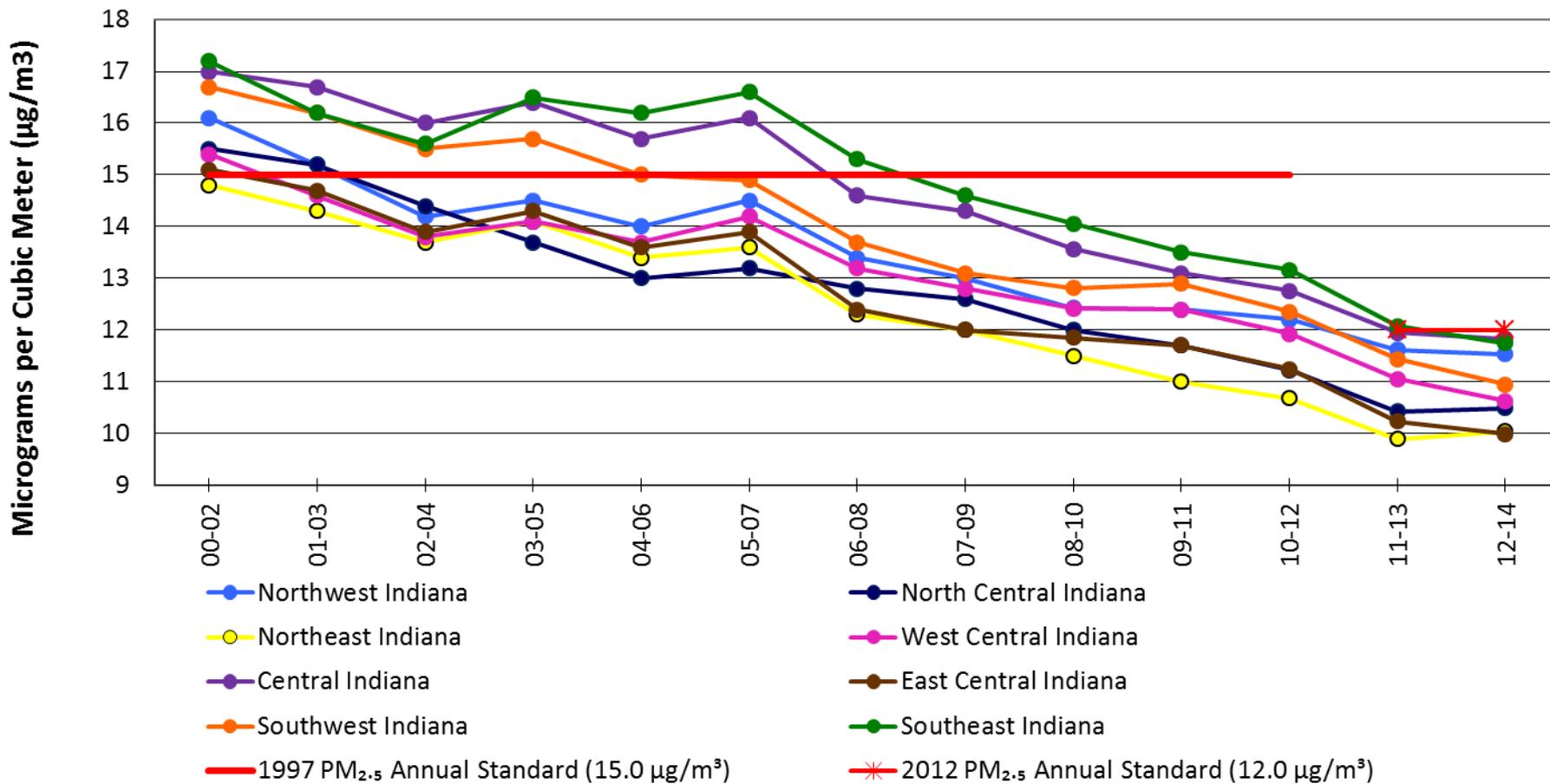
Regional PM_{2.5} Annual Summary Trend Chart





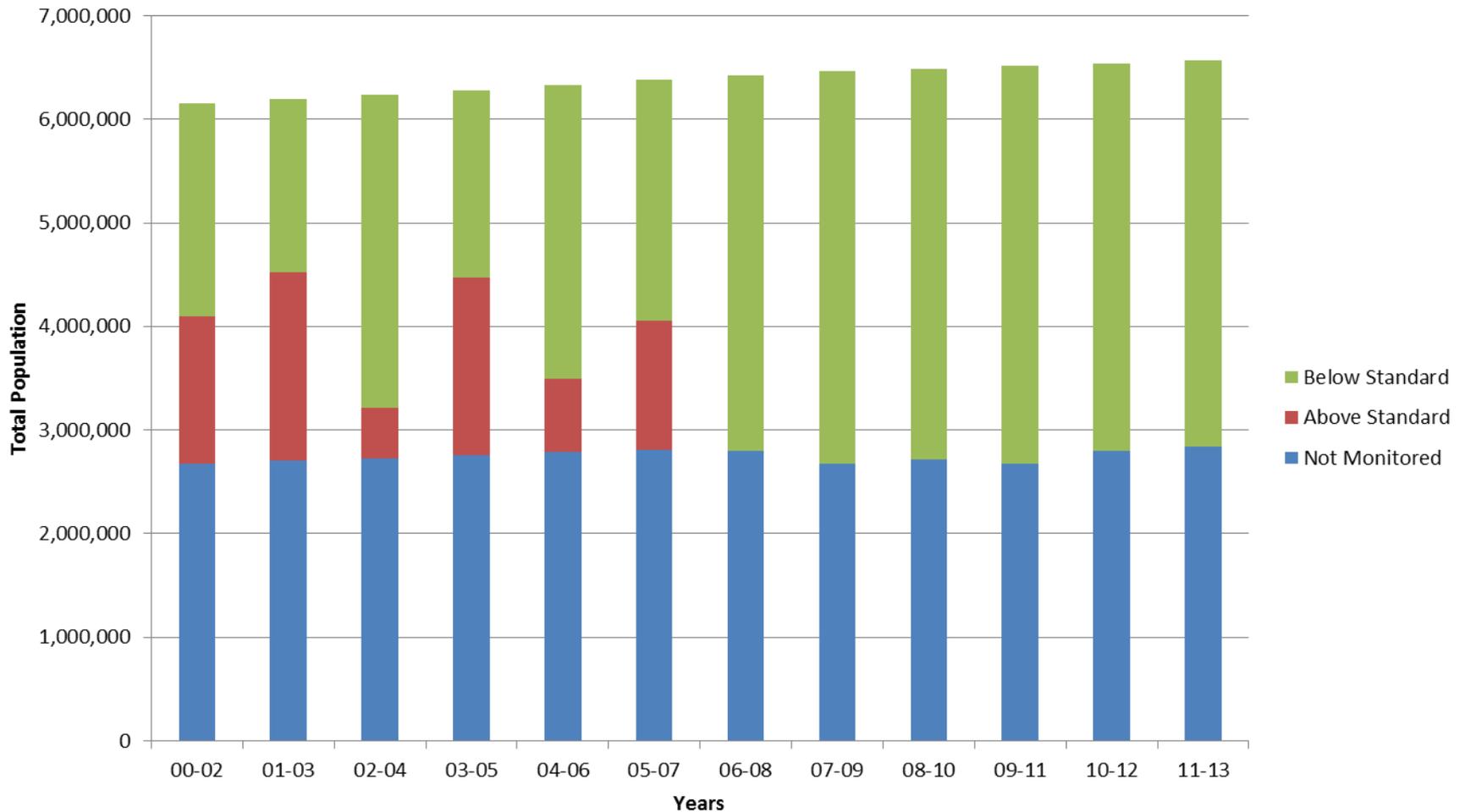
Particulate Matter

Regional PM_{2.5} Annual Design Values Trend Chart



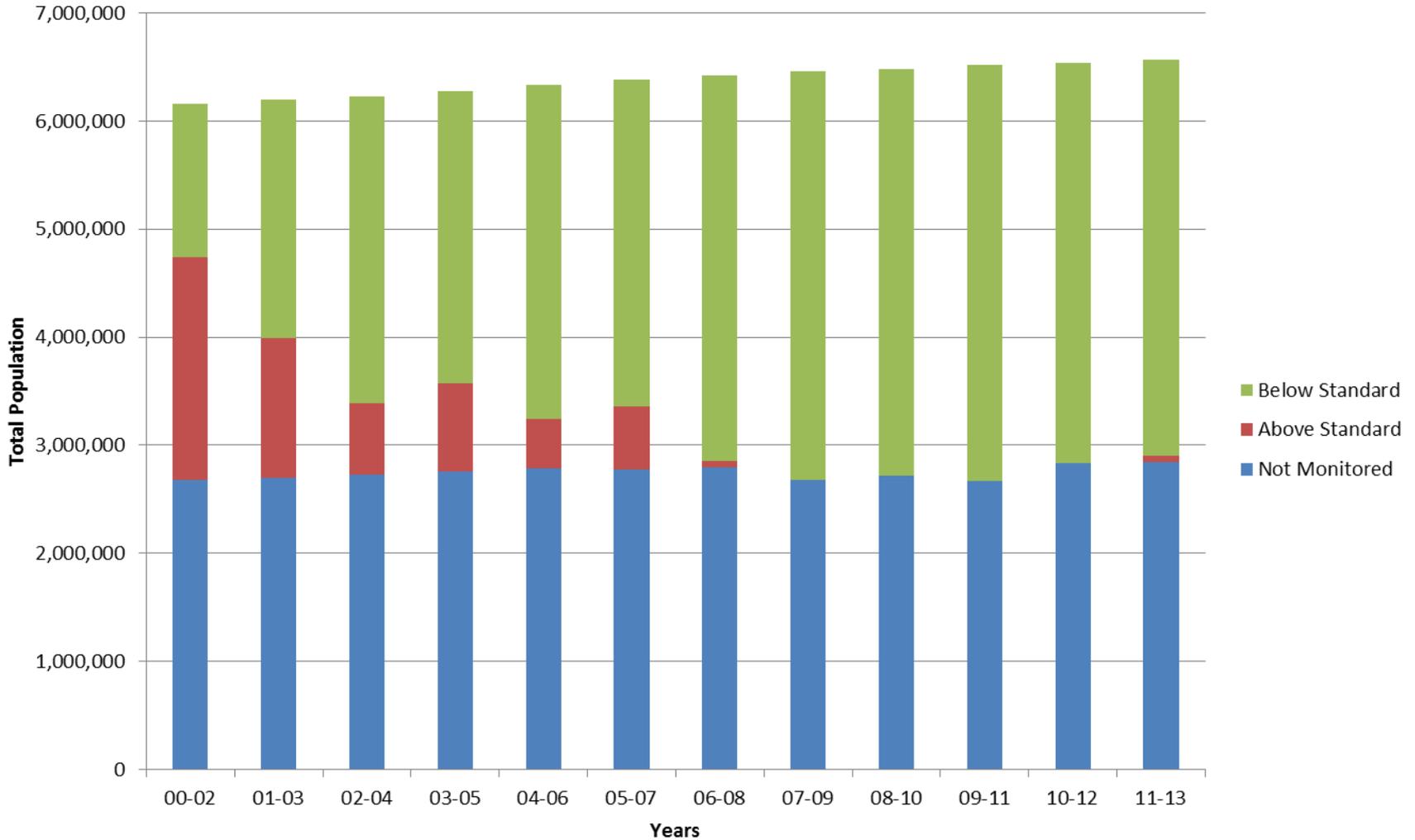


People Breathing Various Air Quality Levels - 24 Hour PM-2.5 - Indiana



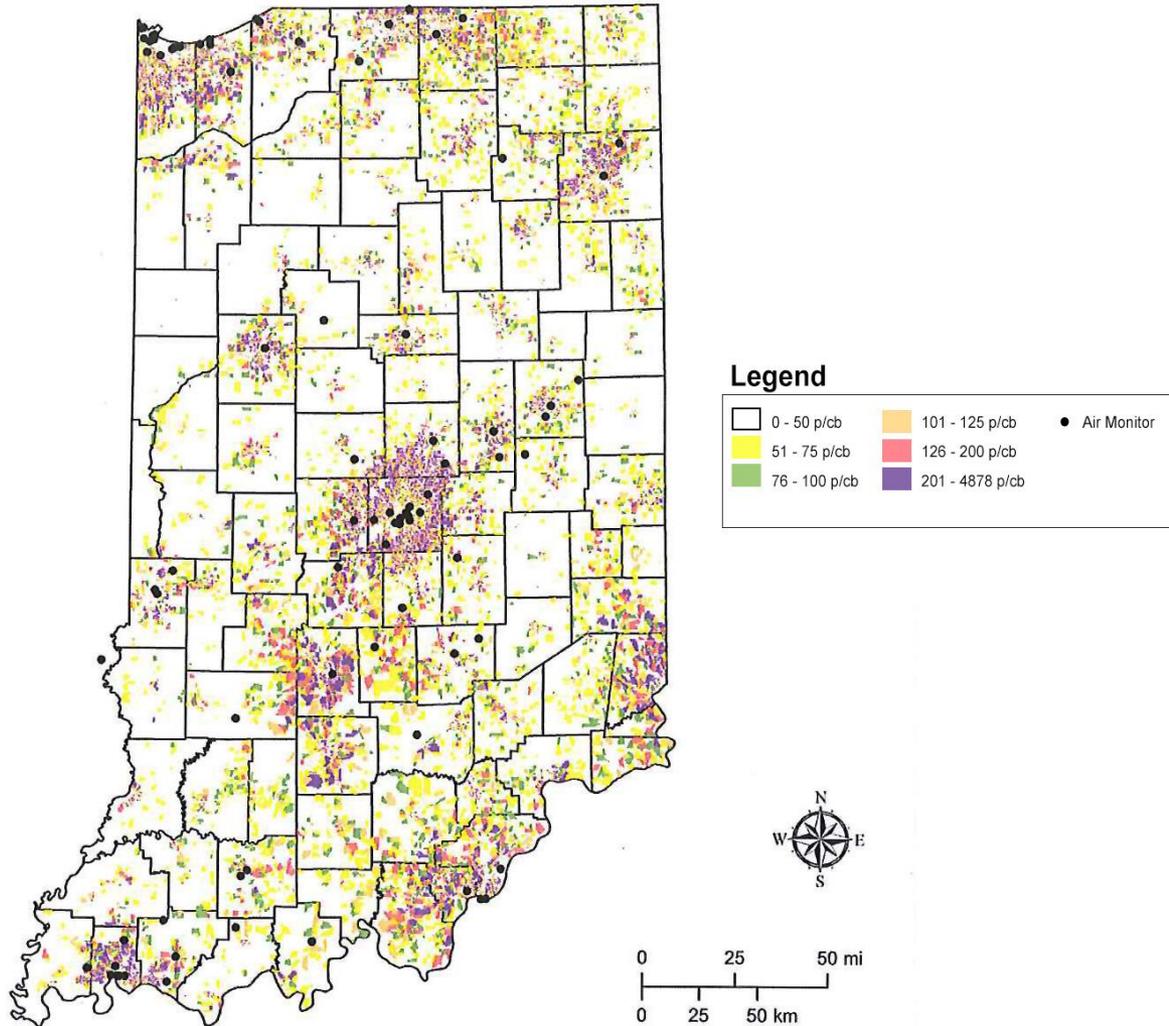


People Breathing Various Air Quality Levels - Annual PM-2.5 - Indiana





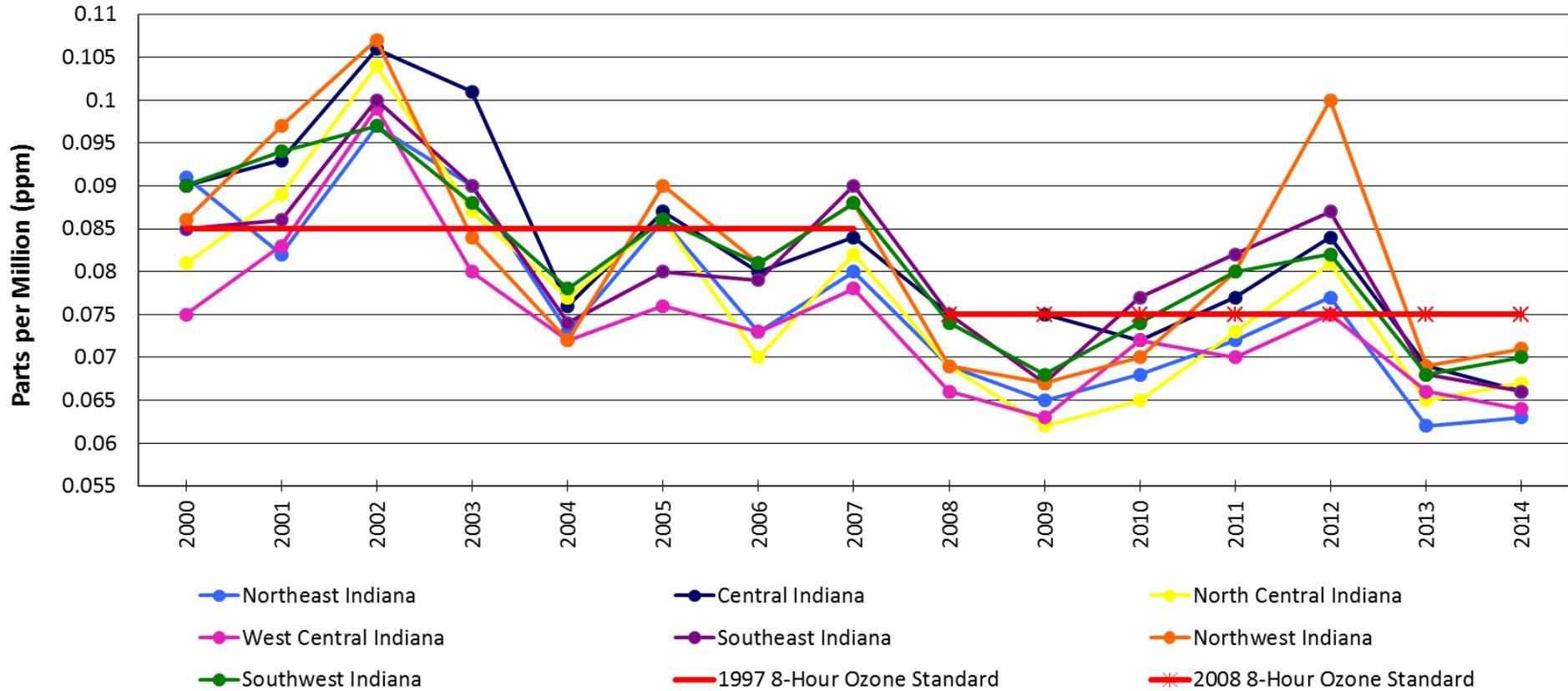
State Monitoring Network





Ozone

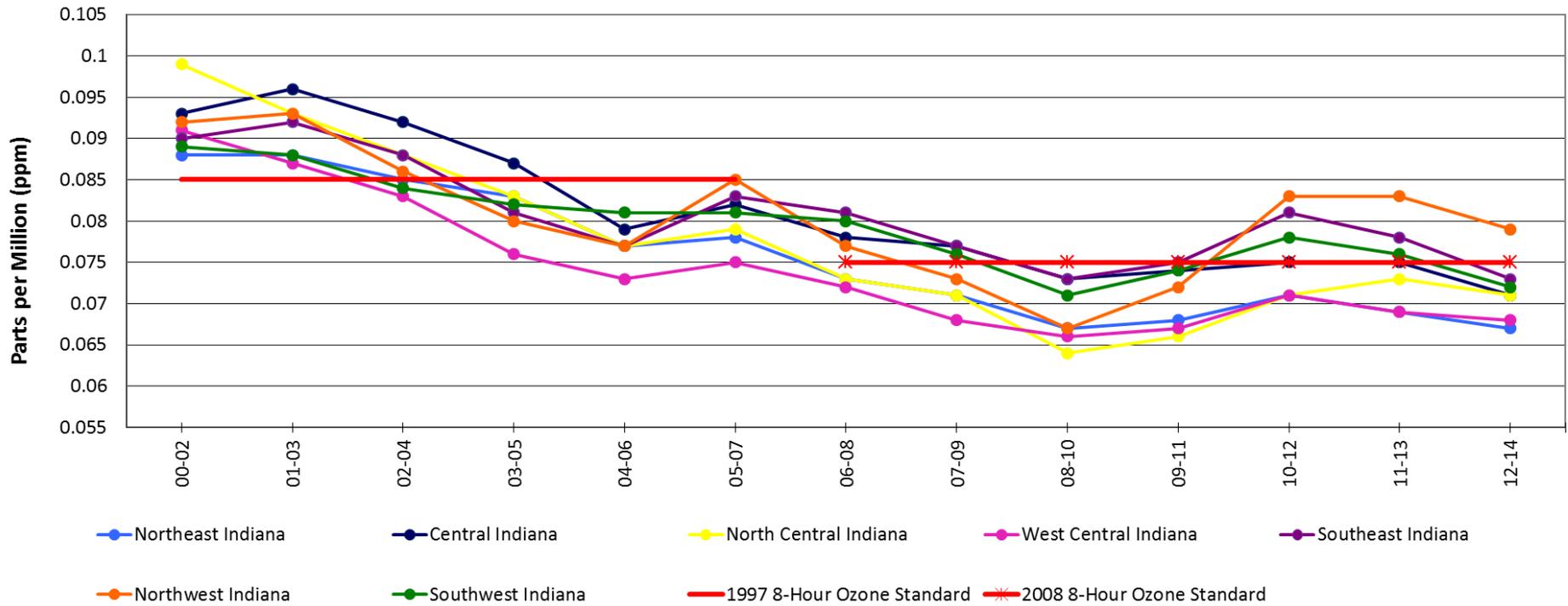
Regional Ozone 4th High Values Trend Chart





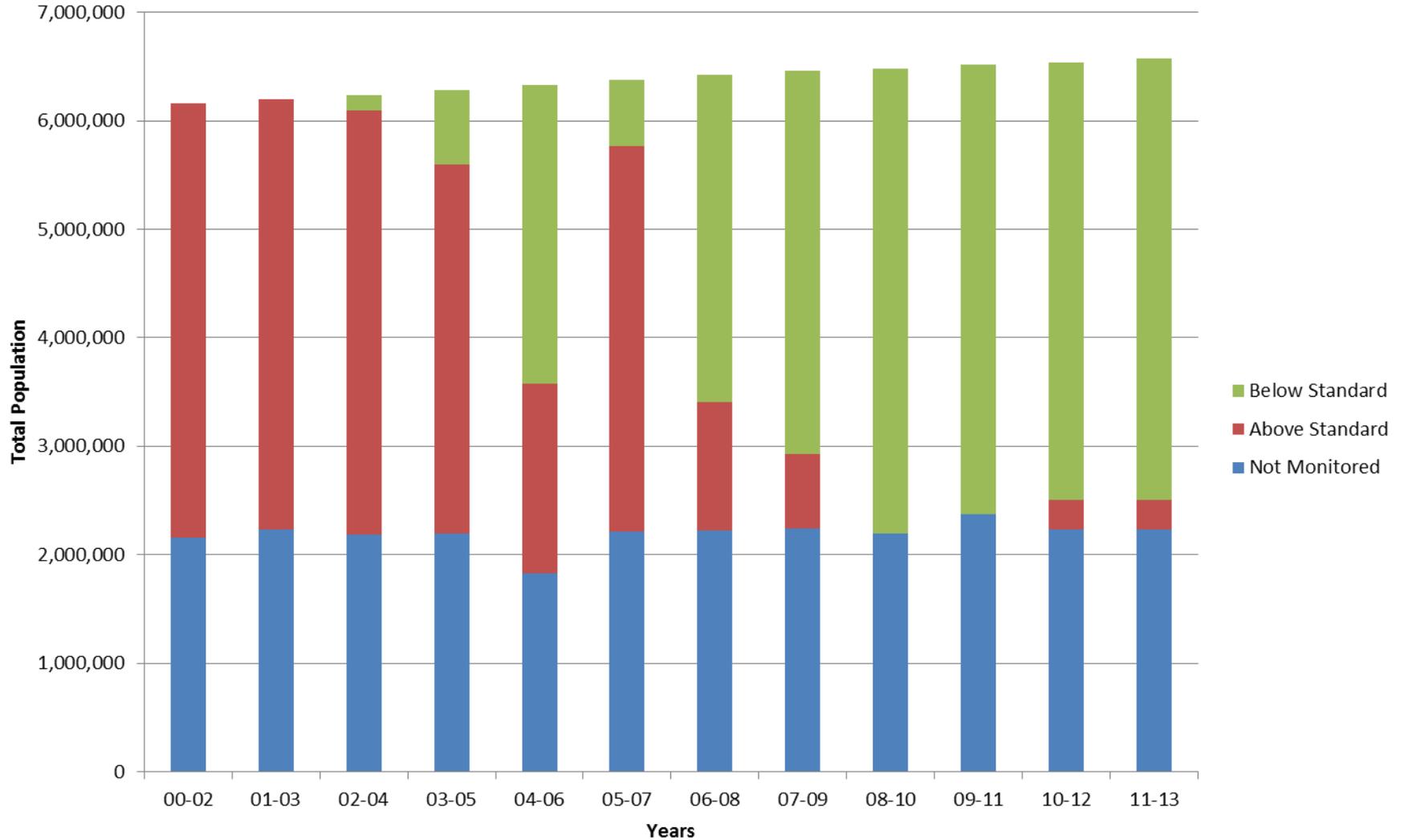
Ozone

Regional Ozone Design Values Trend Chart



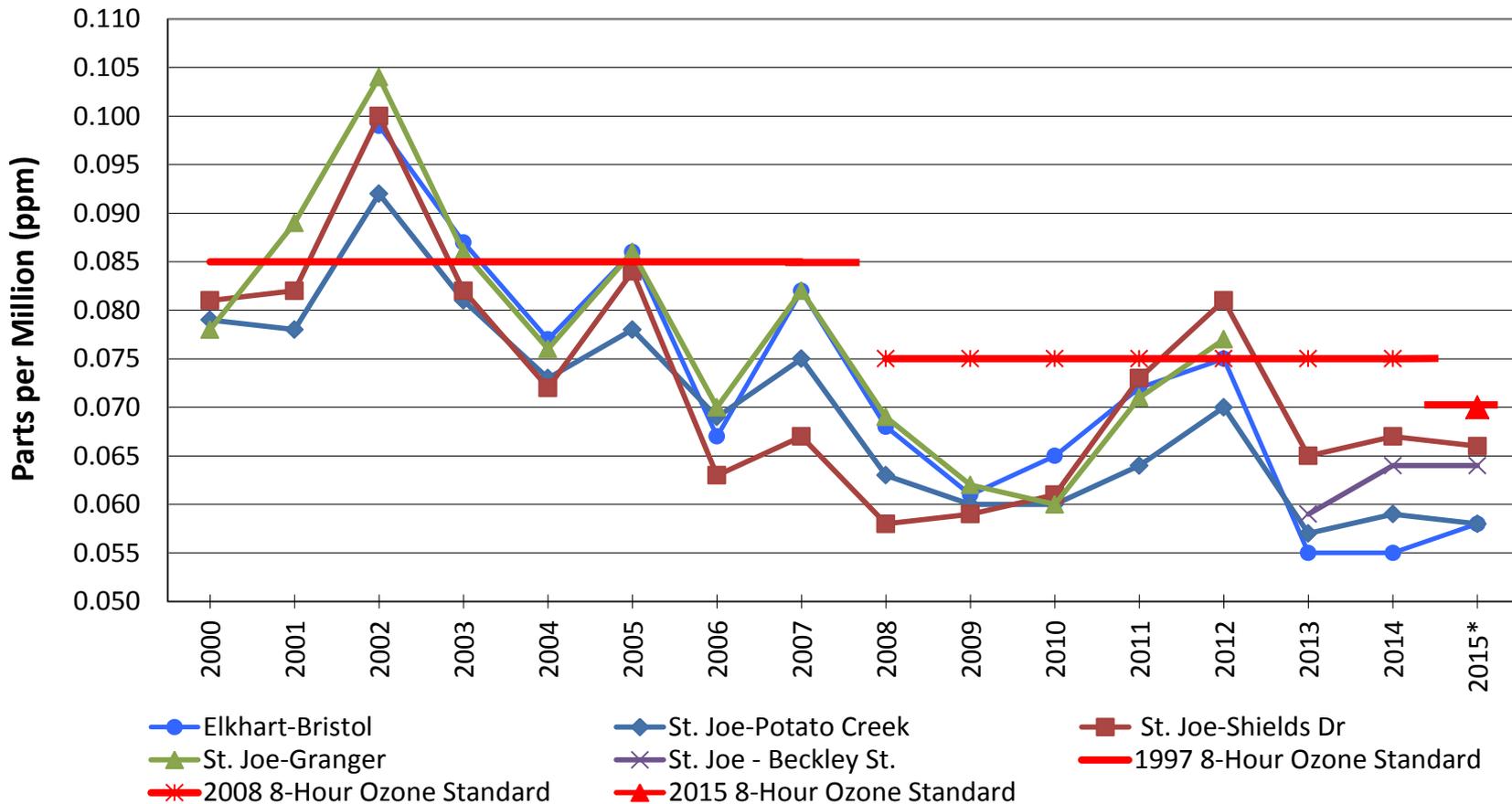


People Breathing Various Air Quality Levels - 8 Hour Ozone - Indiana

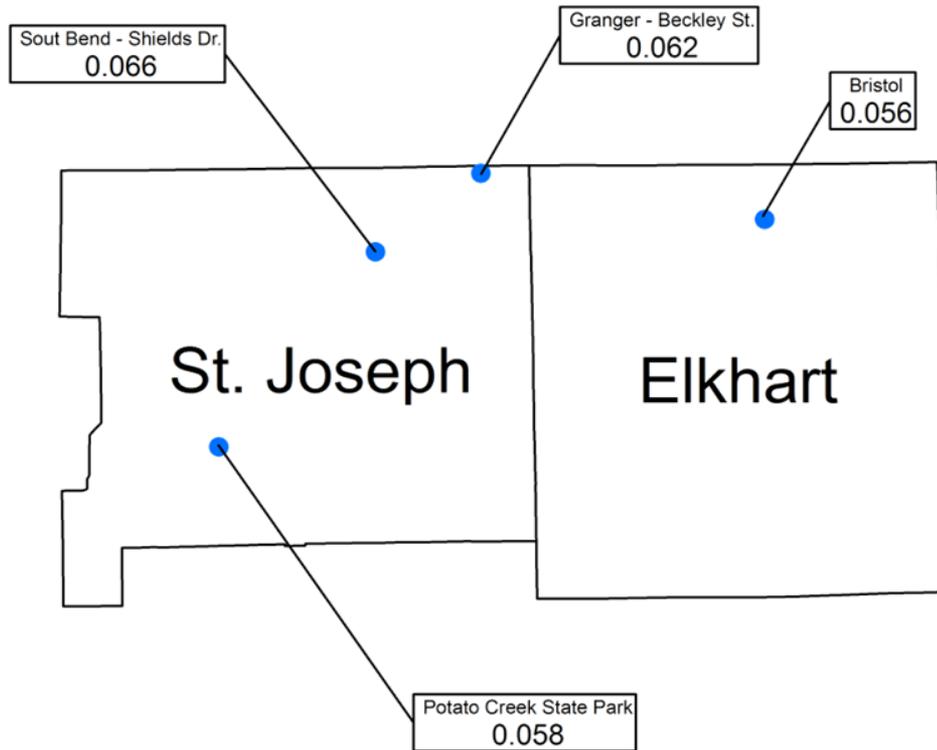




8-Hour Ozone 4th- High Values Trend Chart North Central Indiana



*2015 Ozone monitoring data is preliminary until data is certified at the close of 2015.

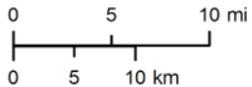


Ozone 2013 - 2015 8-Hour Design Values Through 2015

*Standard set at
0.070 ppm*

Legend

- Monitor With Design Value Less Than or Equal to 0.070 ppm



Notes:

Posted data are in units of parts per million (ppm) and are preliminary until quality assured at the close of 2015.

Mapped By: C. Mitchell, OAQ

Date: 10/29/2015

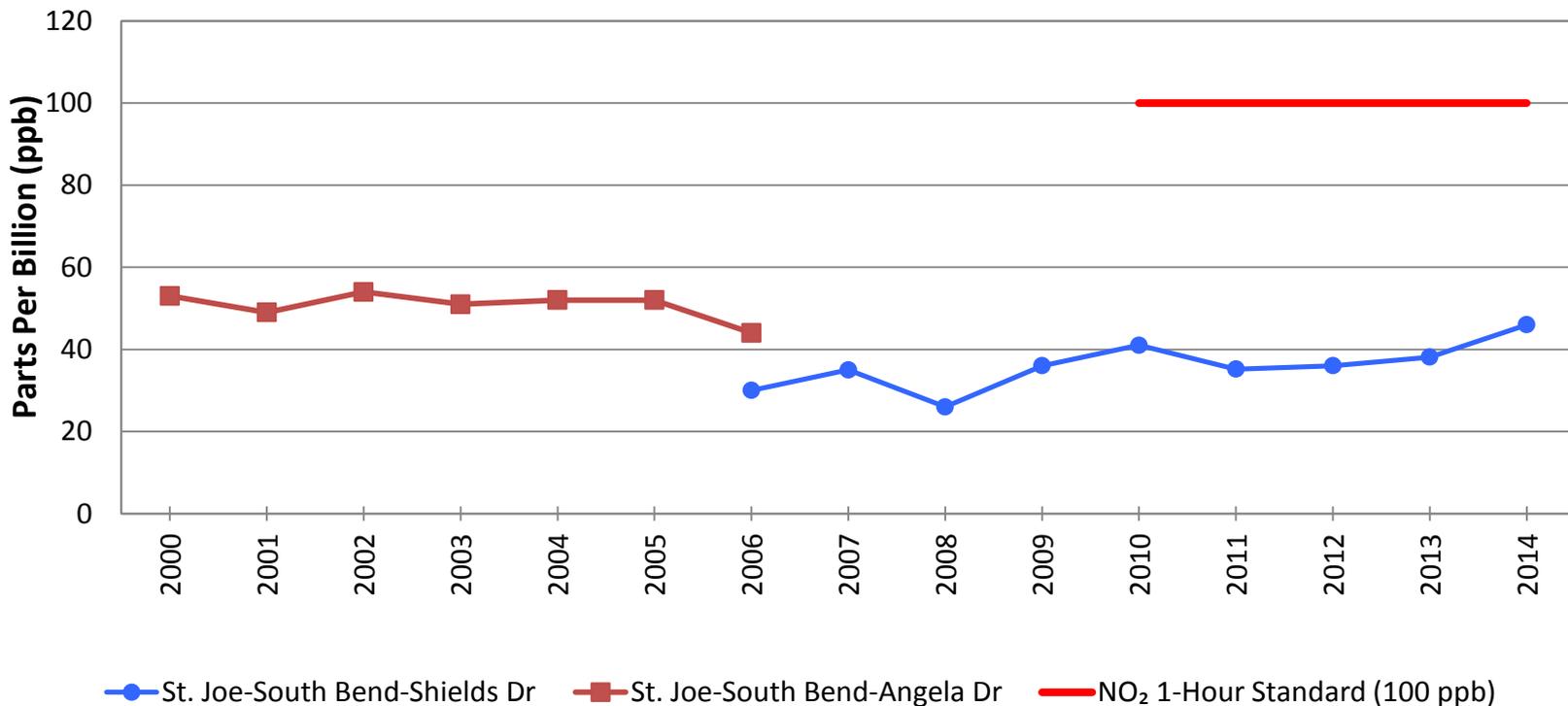
Source: IDEM, Air Monitoring

Map Projection: UTM Zone 16 N

Map Datum: NAD83

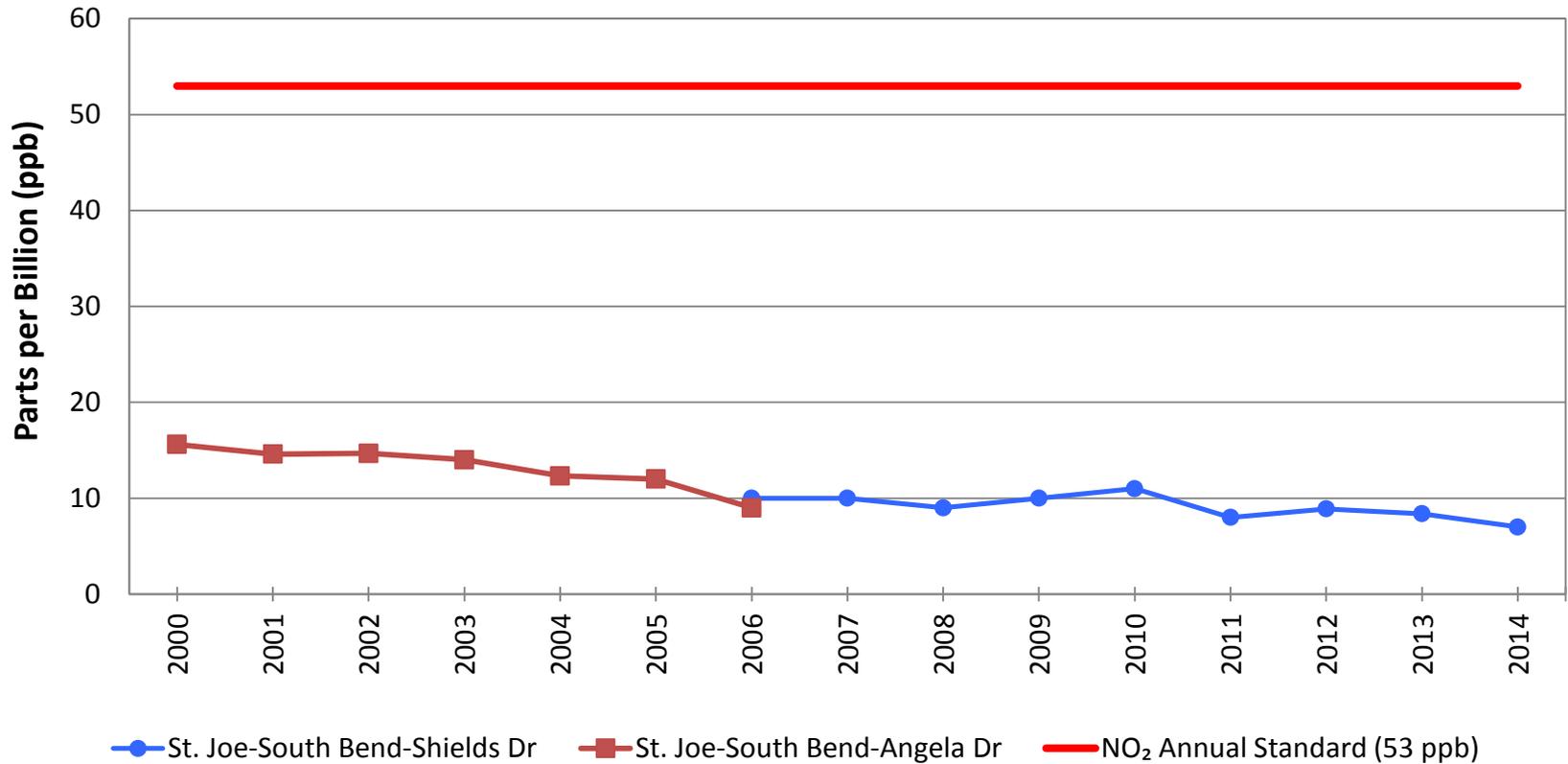


1-Hour NO₂ 8th - High Trend Chart North Central Indiana



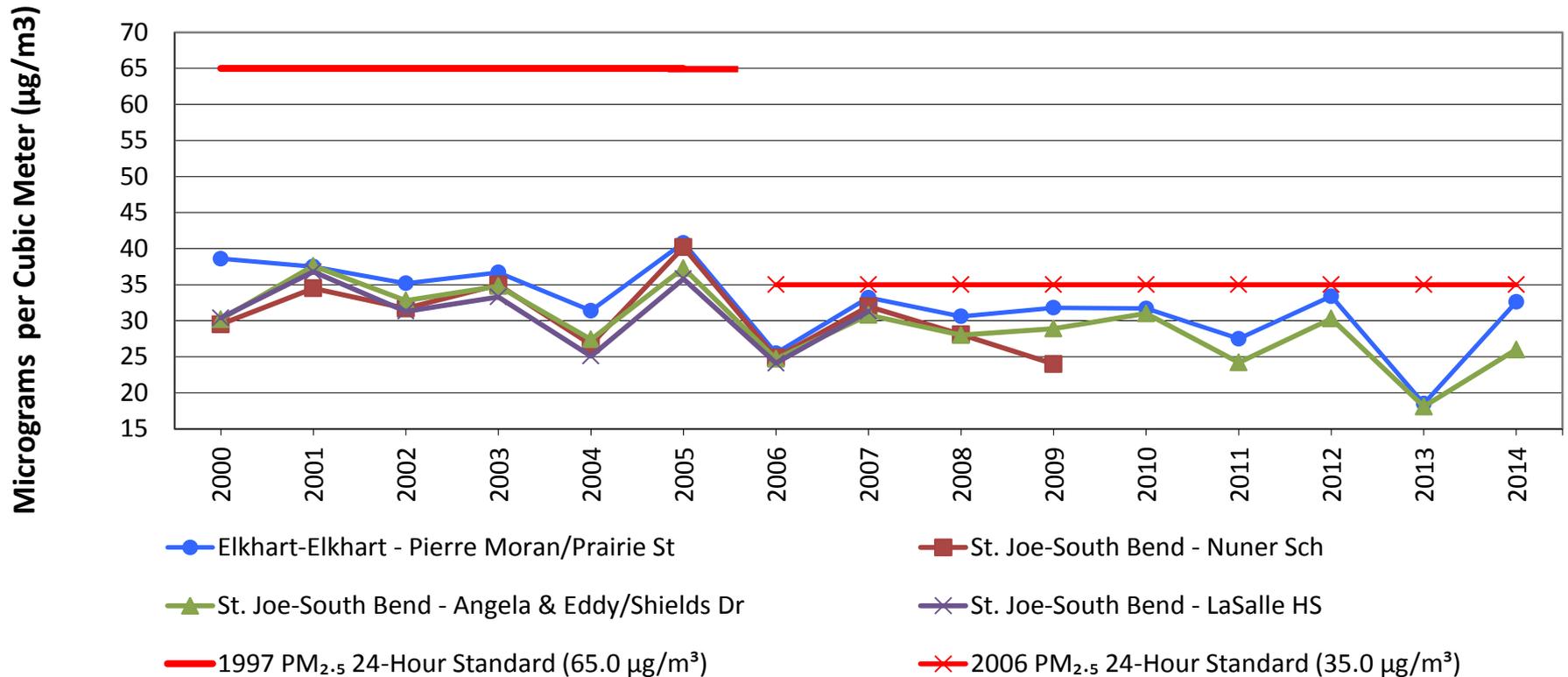


NO₂ Annual Mean Summary Trend Chart North Central Indiana





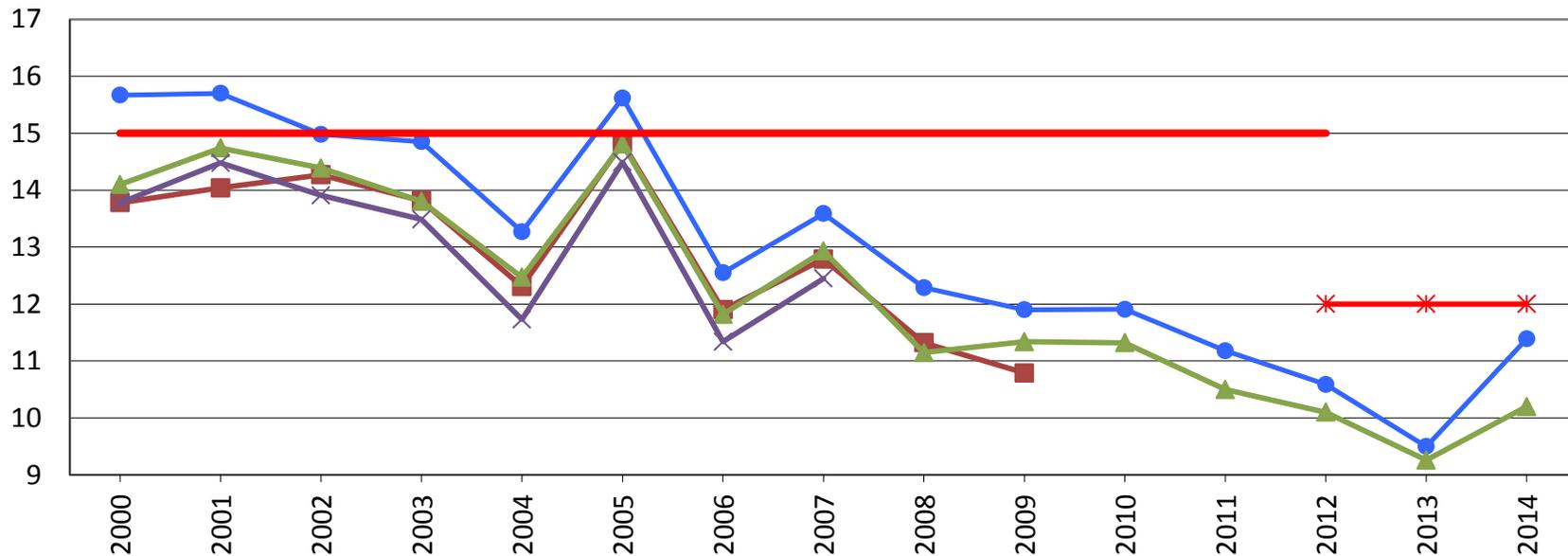
24-Hour PM_{2.5} 98th Percentile Values Trend Chart North Central Indiana





PM_{2.5} Annual Mean Summary Trend Chart North Central Indiana

Micrograms per Cubic Meter (µg/m³)



● Elkhart-Elkhart - Pierre Moran/Prairie St

▲ St. Joe-South Bend - Angela & Eddy/Shields Dr

— 1997 PM_{2.5} Annual Standard (15.0 µg/m³)

■ St. Joe-South Bend - Nuner Sch

× St. Joe-South Bend - LaSalle HS

—* 2012 PM_{2.5} Annual Standard (12.0 µg/m³)



2015 Legislation

- HB 1350— IDEM’s Omnibus Bill
 - Established the In Lieu Fee Program.
 - Lengthened the term of a variance from one year to up to five years.
 - Allowed information to be submitted electronically.
 - Allowed Waste Water Treatment Operator tests to be given by a third provider.
 - Aligned the due dates for Solid Waste disposal fees and reports.
 - Removed duplicative reporting from the E-Cycle program.
 - Changed Hazardous Waste Disposal Fee payments from quarterly to annually.



2015 Legislation

- SB 311—Recovery of remedial action oversight costs.
 - Clarifies that IDEM may seek reimbursement for oversight costs.
 - Allows IDEM to seek reimbursement for oversight costs related to petroleum removal and remediation.



2015 Legislation

- SB 312—Tank Reporting and Water Threat Minimization
 - Requires owners of Above Ground Storage Tanks (ASTs) within a critical area of concern to register their tank.
 - Requires Utilities that use surface water intakes to develop a threat minimization plan.
 - Requires IDEM to compile a list of agencies that currently regulate ASTs and reports that currently exist for ASTs.
 - Requires the Environmental Rules Board to develop rules to implement the reporting of tanks.
 - The bill exempts 23 types of ASTs from reporting.



2015 Legislation

- **HB 1185—Synthetic Plastic Microbeads**
 - Bans the manufacturing of products with microbeads by December 31, 2017, and sale of products with microbeads by December 31, 2019.
- **SB 390—Lake County Solid Waste Management District**
 - Gives the Lake County Executive oversight of specific Solid Waste Management District decisions.



2015 Legislation

- SB 473—Voluntary Monitoring of Water Resources
 - Establishes a program where volunteers may monitor their wells and provide that data to the Natural Resources Commission.
- SB 474—Analysis of Water Utility Planning and Needs
 - Requires the Indiana Finance Authority to prepare an analysis of the planning and long range needs of water utilities.



2016 Legislative Proposals

- Mercury Switch Program
 - Extends the life of the program.
- Antidegradation
 - Clarifies when antidegradation demonstrations are required.
- E-Waste
 - Changes the reporting deadline from fiscal to calendar year.



2016 Legislative Proposals

- Recycling Reporting Due Date
 - Changes IDEM’s reporting deadline in order to align with the recyclers’ reporting deadline.
- Voluntary Remediation Program (VRP)
 - Allows IDEM to remove participants from VRP if they fail to meet the agency’s deadlines.
- Legitimate Use of Waste
 - Allows for the legitimate use of solid and hazardous waste.



2016 Legislative Proposals

- Variance
 - Allows the commissioner to revoke a variance.
- Land Application
 - Updates definitions to reflect the replacement of the term wastewater with septage.



2016 Legislative Proposals

- Legal Action
 - Removes citations to the administrative code that are no longer valid.
- Excess Liability Trust Fund
 - Clarifies eligibility requirements for fund access.



Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.



Clean Power Plan

“I firmly believe that the EPA’s carbon dioxide regulation exceeds the authority granted to the EPA by Congress under the Clean Air Act, and I am pleased that our Attorney General is working with attorneys general from across the country to invalidate the regulation in court.

“Indiana is a manufacturing state and a coal state. Manufacturing requires low-cost electricity to help create jobs. The 28,000 Hoosiers employed directly or indirectly by Indiana’s coal industry can help provide that low-cost electricity from Indiana’s 300-year supply of coal. We have historically produced more than 80 percent of our electricity from coal, and Hoosiers know that coal means jobs and low-cost energy.

“The filing of today’s lawsuit is another step in fighting back against the Obama Administration’s war on coal.”

- Governor Pence, October 26, 2015



New Ozone Standard

“Based on its review of the air quality criteria for ozone (O₃) and related photochemical oxidants and national ambient air quality standards (NAAQS) for O₃, the Environmental Protection Agency (EPA) is revising the primary and secondary NAAQS for O₃ to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (ppm), and retaining their indicators (O₃), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours).”

<http://www3.epa.gov/ozonepollution/pdfs/20151001fr.pdf>

(October 1, 2015)



Waters of the U.S.

“Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners’ motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court.”



Questions?

Carol S. Comer
Commissioner

Indiana Department of Environmental Management

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