IDEM Update

Indiana Rural Water Association

2016 Spring Conference

April 19, 2016

Carol S. Comer, Commissioner
Indiana Department of Environmental Management

Indiana: The State that Works!

In the past three years:

- Indiana has added almost 140,000 new jobs and reduced the unemployment rate from over 8% to just 4.4%
- Indiana consistently ranks in the top 10 best states in which to do business

IDEM: 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 January 2016

	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**	**98.12%**	**99%**	**95%**	Due to the implementation of a new rule (Stage 2 Disinfectant/Disinfection ByProducts Rule), several purchase water 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	**25,361**	**30,048**	**33,583**	**35,350 statutory**
Air	**21,018**	**40,265**	**45,002**	**47,370 statutory**
Water	**32,483**	**59,721**	**66,747**	**70,260 statutory**
Compliance Total percentage of compliance observations from regulated customers within acceptable compliance standards*				
Inspections	**96.96%**	**97%**	**75%**	
Self reporting	**95.85%**	**99%**	**95%**	
Continuous monitoring (COM)	**99.93%**	**99.9%**	**99%**	

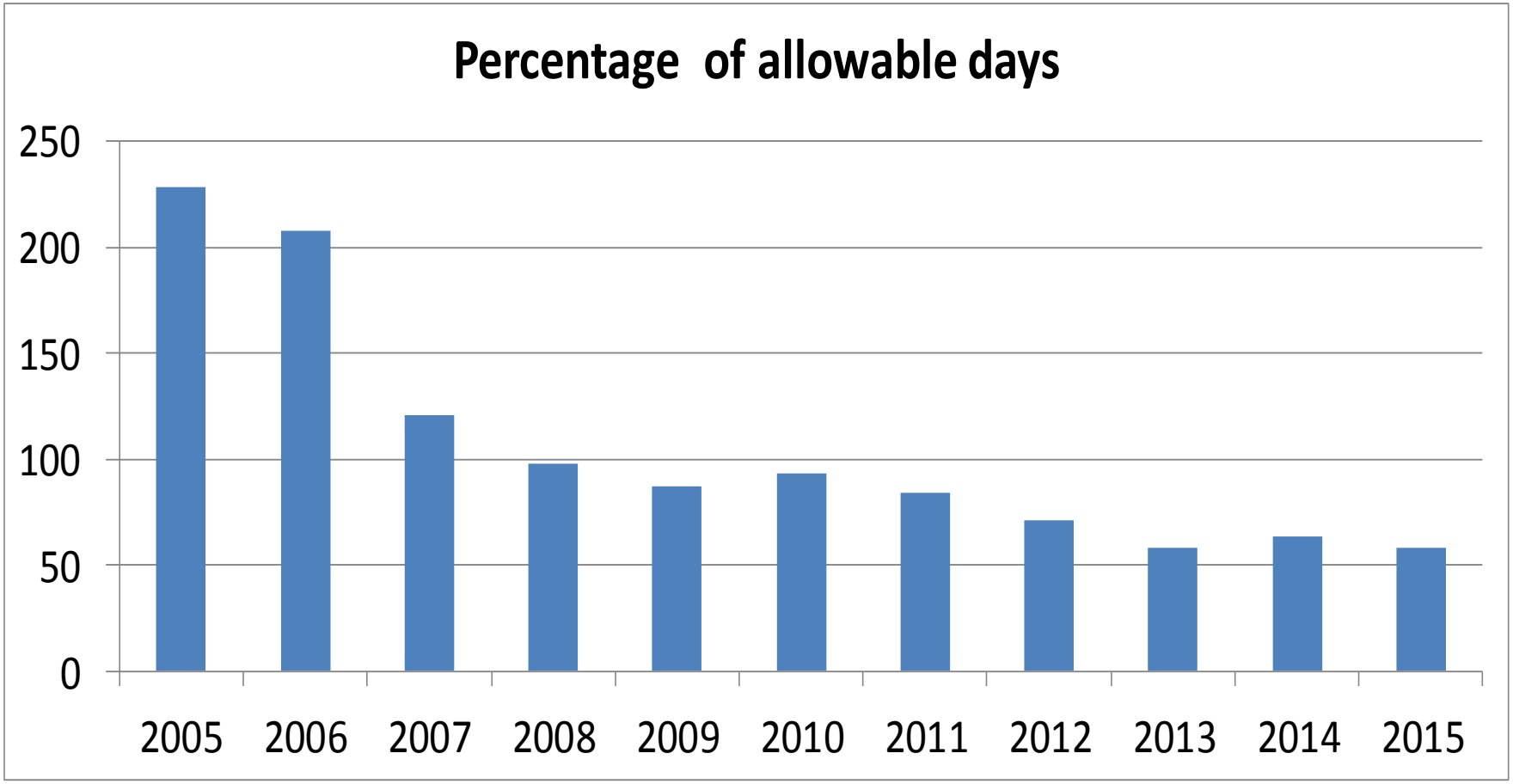
*** Places emphasis on back logged permits**

***** Tracks observations and not just inspections

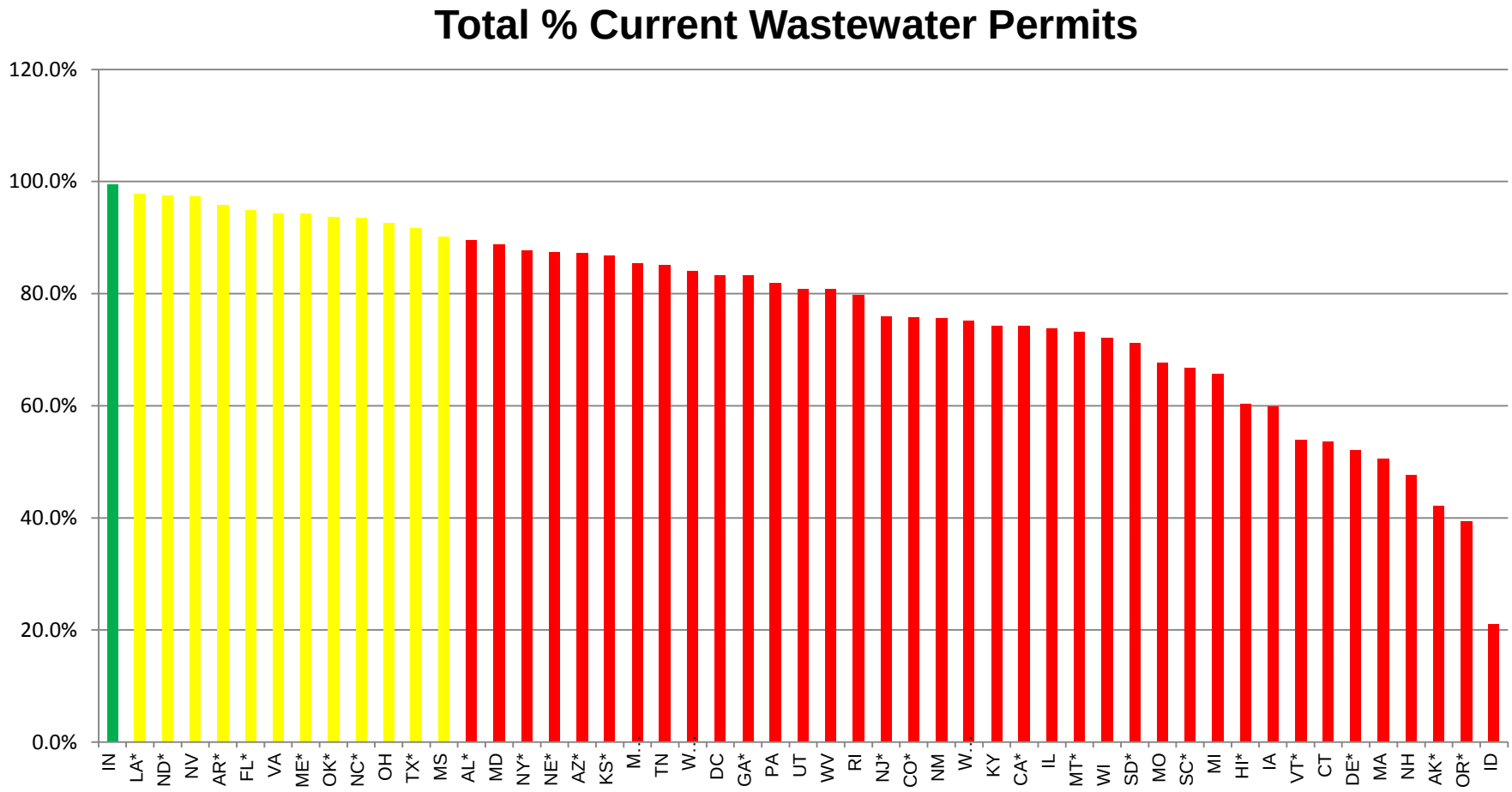
Performance Metrics June 2005

Quality of Hoosiers' Environment	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	

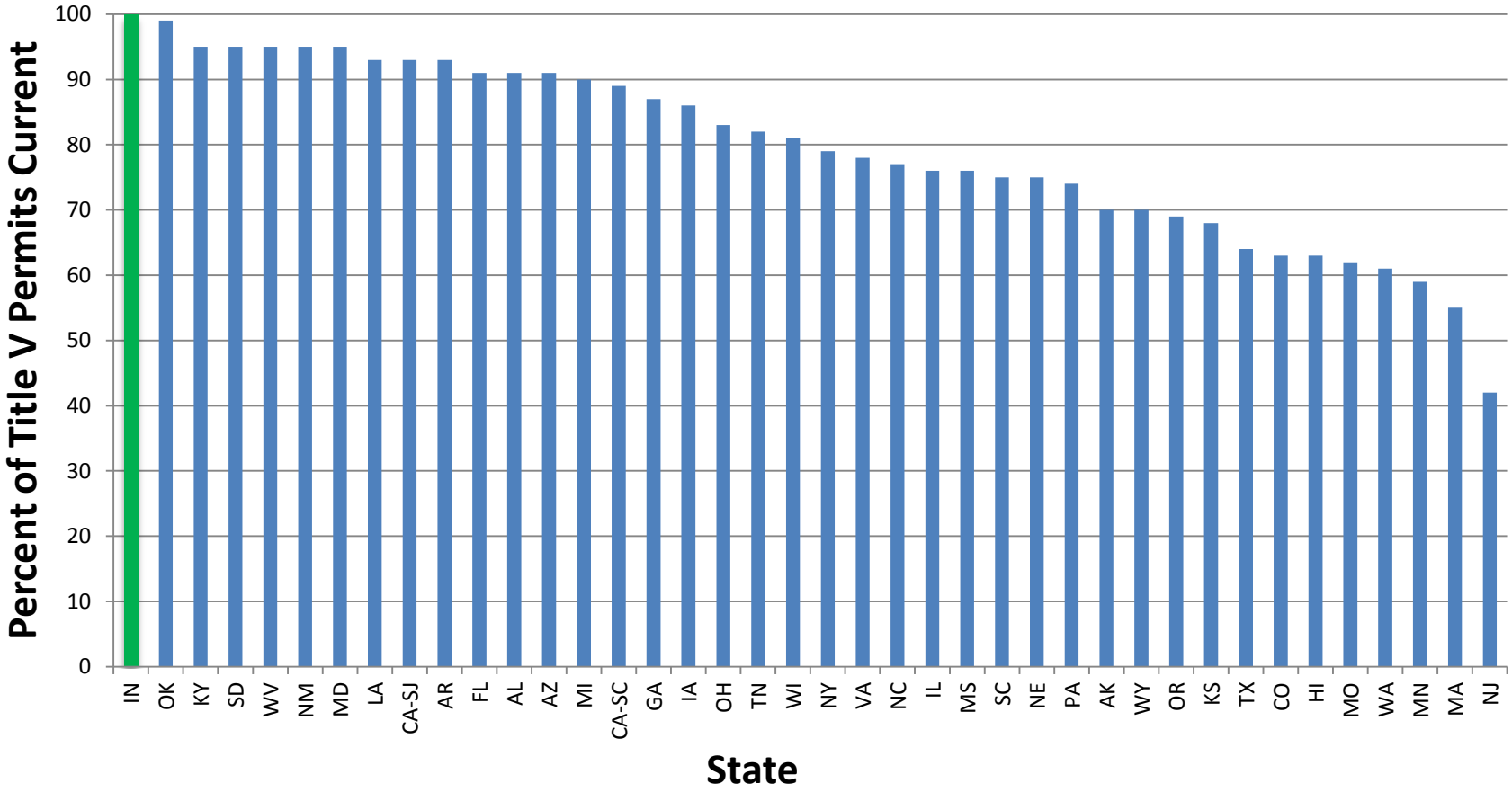
Permits--Percent of Statutory Days



Indiana is Best in NPDES Permitting



Indiana is Best in Air Permitting



IDEM Inspects Facilities Regularly

- Full compliance evaluations of Part 70 sources once every two (2) years;
- Full compliance evaluations of all Federally Enforceable State Operating Permits once every five (5) years;
- Inspect all Treatment, Storage and Disposal Facilities every two (2) years;
- Compliance inspections at all Confined Animal Feeding Operations every five (5) years;
- Inspect each underground storage tank once every three (3) years;
- Inspect each major and minor NPDES Permitted facility every two (2) years; and
- Inspect each general permitted facility every four (4) years.

WATCHDOG REPORT: New York and other states have fallen far behind schedule in scrutiny of Clean Water Act facilities

"In Indiana, where pollution review rules apparently are observed, **91 percent** of all facilities have been inspected in the last five years. In West Virginia, only 25 percent have been inspected."

Press and Sun-Bulletin, July 3, 2014.

Compliance and Technical Assistance

- The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. CTAP is:
  - **Non-Regulatory –** CTAP staff are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP staff when requesting assistance.
  - **Free and Confidential –** While the CTAP serves as a liaison between the regulatory agencies and businesses, no details about the company working with CTAP is provided to regulators, as the information is protected under Section 507 of the Clean Air Act.
  - **Assistance –** CTAP provides assistance through an on-site visit or via phone and will provide a full compliance review or just target a single issue. It also develops training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
  - **Multi-Media –** While most of the assistance provided is related to air regulations, staff also provides assistance related to water, land and Community Right to Know regulations.
- CTAP provides assistance to businesses that contact it directly, to businesses referred to it by regulatory inspectors or permit writers, and to businesses that CTAP identifies as impacted by new EPA or state regulations.

Contact us if you need assistance

Hotline: 800-988-7901 **Email:** CTAP@idem.in.gov **Website:** http://www.in.gov/idem/ctap/

Serving Small Businesses and the Environment

Voluntary Recognition Programs for Businesses

Goals: Promote pollution prevention & achieve measurable reduction of pollution in Indiana

Partners for Pollution Prevention

- Eligibility contingent on:
  - Good environmental compliance standing
  - Partners Pledge
- Quarterly Networking meetings
- Innovation sharing
- 92 Members
- partners@idem.in.gov
- 1-800-988-7901

ESP Indiana Environmental Stewardship Program
Better Environment, Better Business
Indiana Department of Environmental Management

- Eligibility contingent on:
  - Established Environmental Management System and ISO Certification
  - Good environmental compliance standing
  - Commitment to continuous environmental improvement
- Regulatory Incentives
- 54 Members
- esp@idem.in.gov
- 1-800-988-7901

Voluntary Recognition Program for Communities

Goal: Promote pollution prevention & achieve measurable reduction of pollution in Indiana

Comprehensive
Local
Environmental
Action
Network

- Eligibility contingent on:
  - Good environmental compliance standing
  - Establishing Environmental Aspects & Initiatives
  - Commitment to continuous environmental improvement
- Participants choose four environmental goals for the four-year program term
- Benefits:
  - State-wide recognition
  - Networking
  - Innovation Sharing
- Currently 18 members

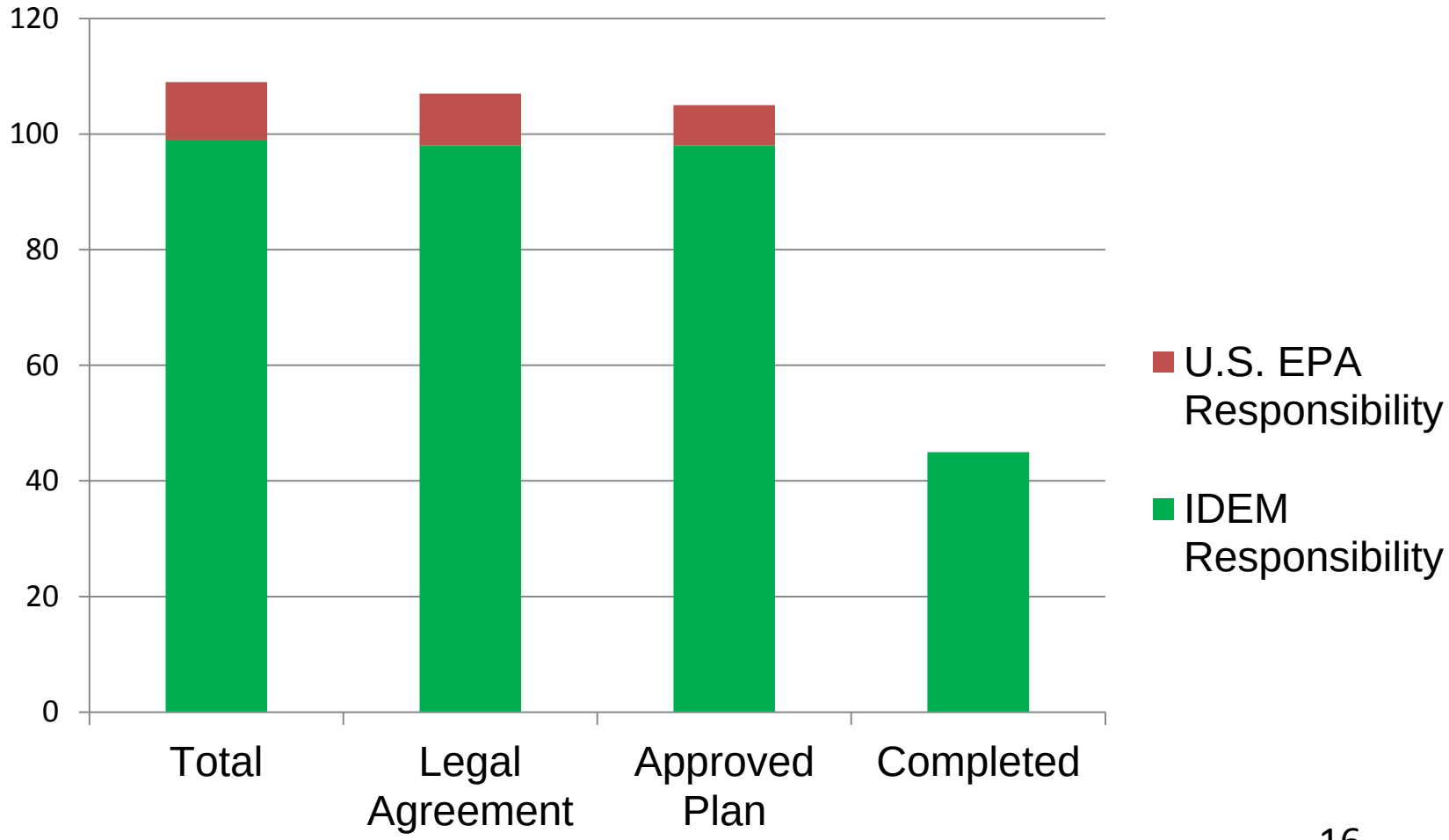
Contact CLEAN Community Challenge at: 1-800-988-7901 or CLEAN@idem.in.gov

Enforcement Statistics:

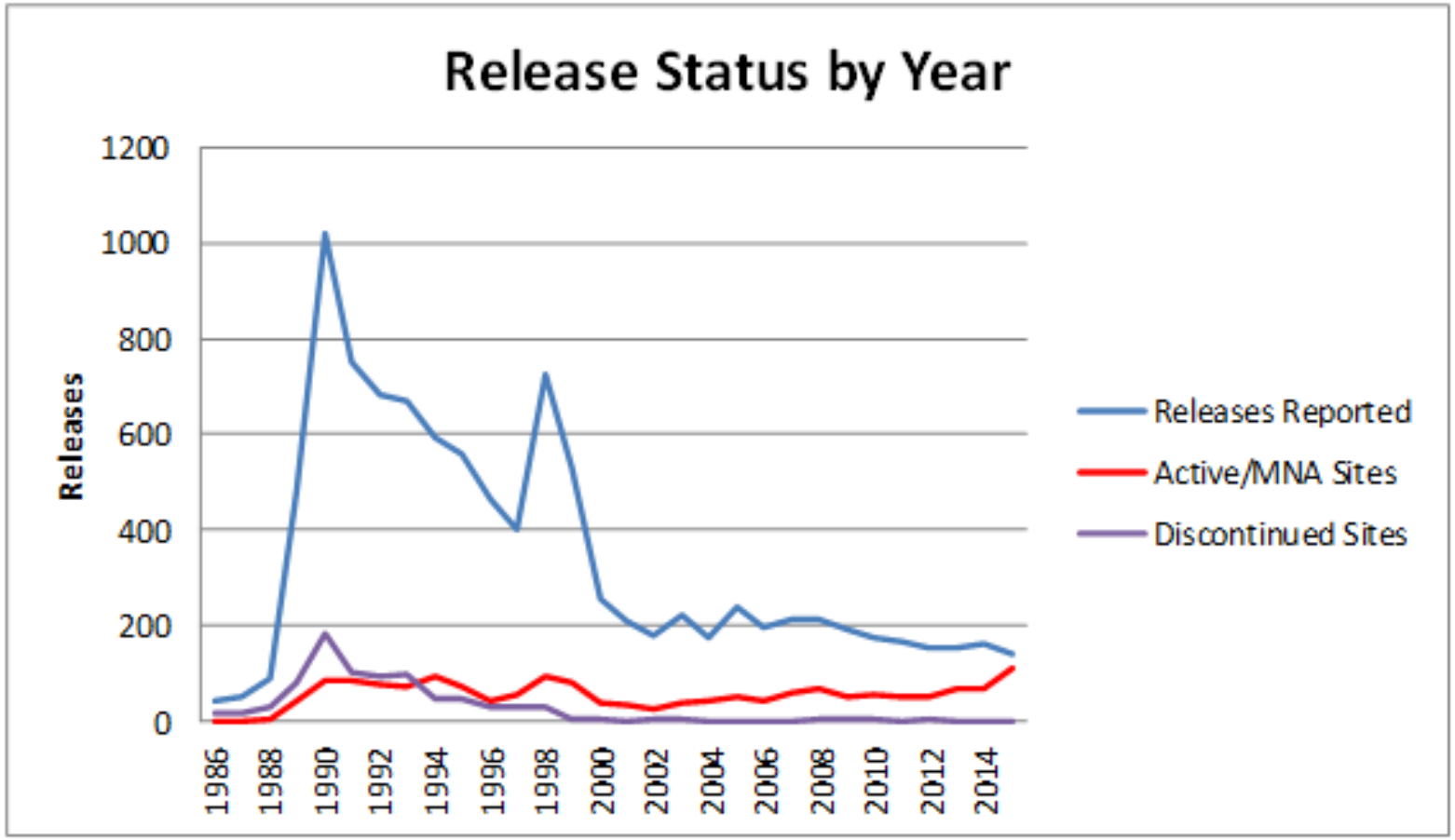
Media	2013	2014	2015
Air	81	117	112
Water	95	84	47
Hazardous Waste	31	34	23
Solid Waste	16	20	22
UST/LUST	12	30	15
CFO	12	23	22
TOTAL	**247**	**308**	**241**

Water Quality

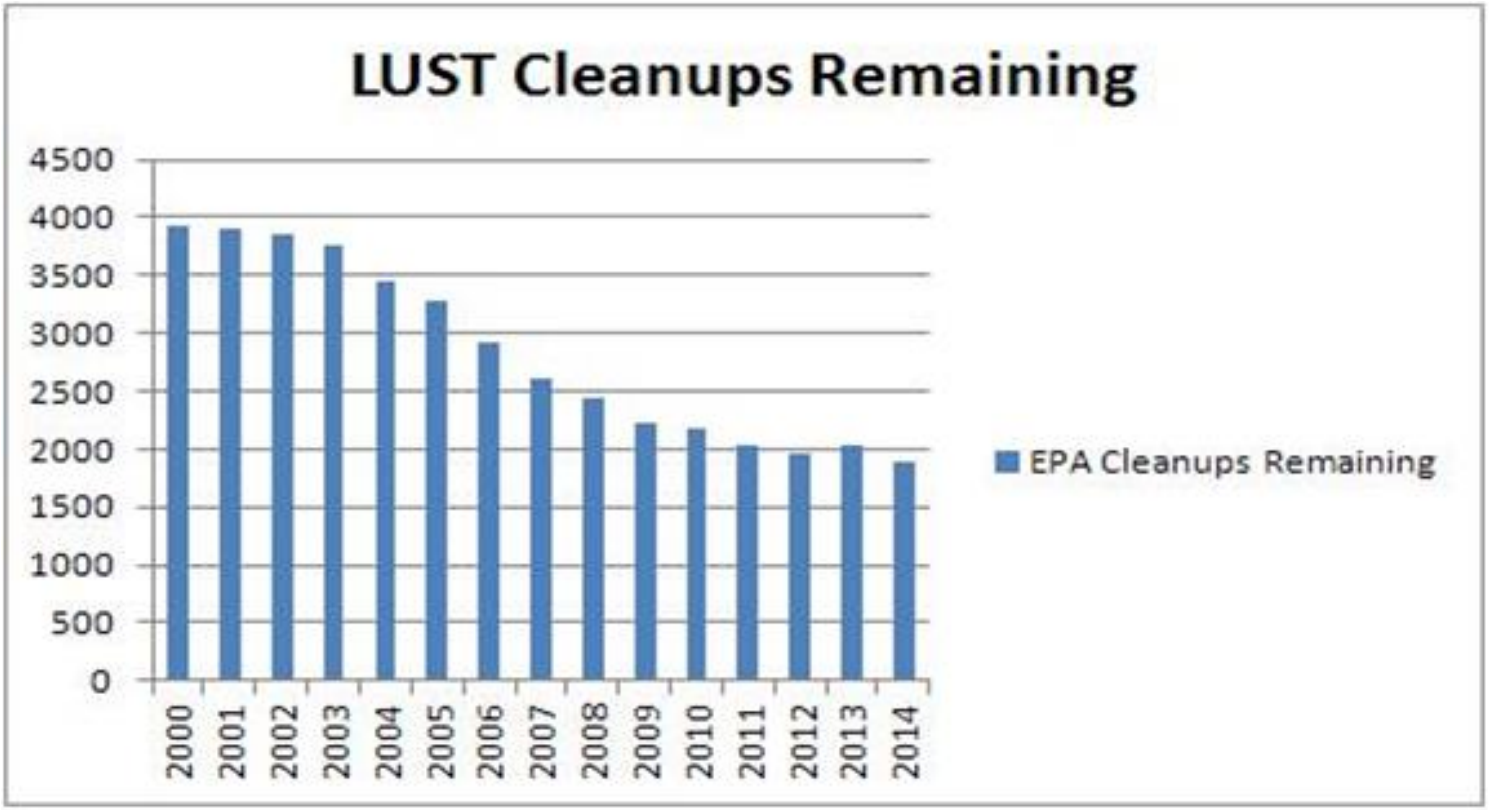
Indiana Combined Sewer Overflow Status



Petroleum Releases



Petroleum Cleanups Remaining



Indiana's Air Quality

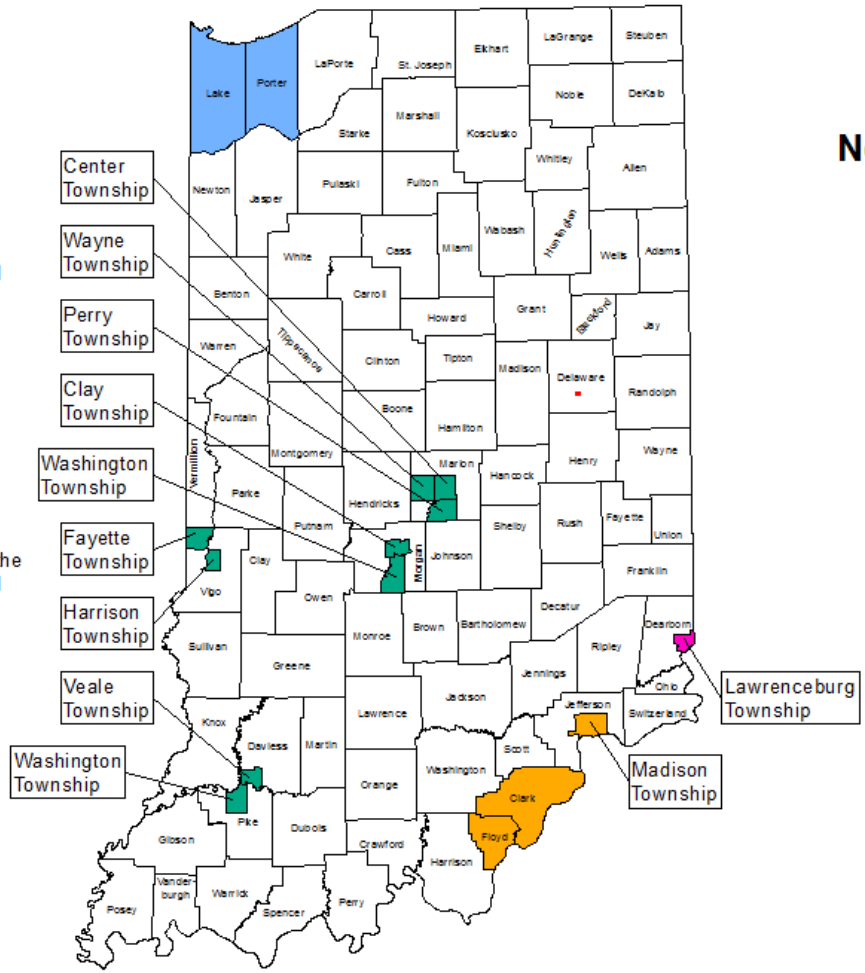
At the end of 2009, all areas of the State of Indiana met every National Ambient Air Quality Standard in effect for the first time since the NAAQS were established in the 1970s.

Current Air Quality

Current Nonattainment Areas

Legend

- Nonattainment for the 1997 Fine Particle Annual Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard
- Nonattainment for the 2010 SO_2 1-Hour Standard
- Nonattainment for the 2008 Lead Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard and the 1997 Fine Particle Annual Standard



N W E S

0 25 50 mi

0 25 50 km

Mapped By: B. Callahan, OAQ
Date: 03/18/2015
Source: IDEM
Map Projection: UTM Zone 16 N
Map Datum: NAD83

2016 Legislation

- 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.
- Variance
  - Allows the commissioner to revoke a variance.

2016 Legislation

- Recycling Reporting Due Date
  - Changes IDEM's reporting deadline in order to align with the recyclers' reporting deadline.
- Legal Action
  - Removes citations to the administrative code that are no longer valid.
- Land Application
  - Updates definitions to reflect the replacement of the term wastewater with septage.

2016 Legislation

- Excess Liability Trust Fund
  - Clarifies eligibility requirements for fund access.
- Legitimate Use of Waste
  - Allows for the legitimate use of solid and hazardous waste.

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.

www.in.gov/idem/files/npd-waste-0067.pdf

Clean Power Plan

"The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants' petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants' petition for a writ of certiorari, if such writ is sought."

Murray Energy Corp. et al. v. EPA et al., U.S. Supreme Court, February 9, 2016

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 United States

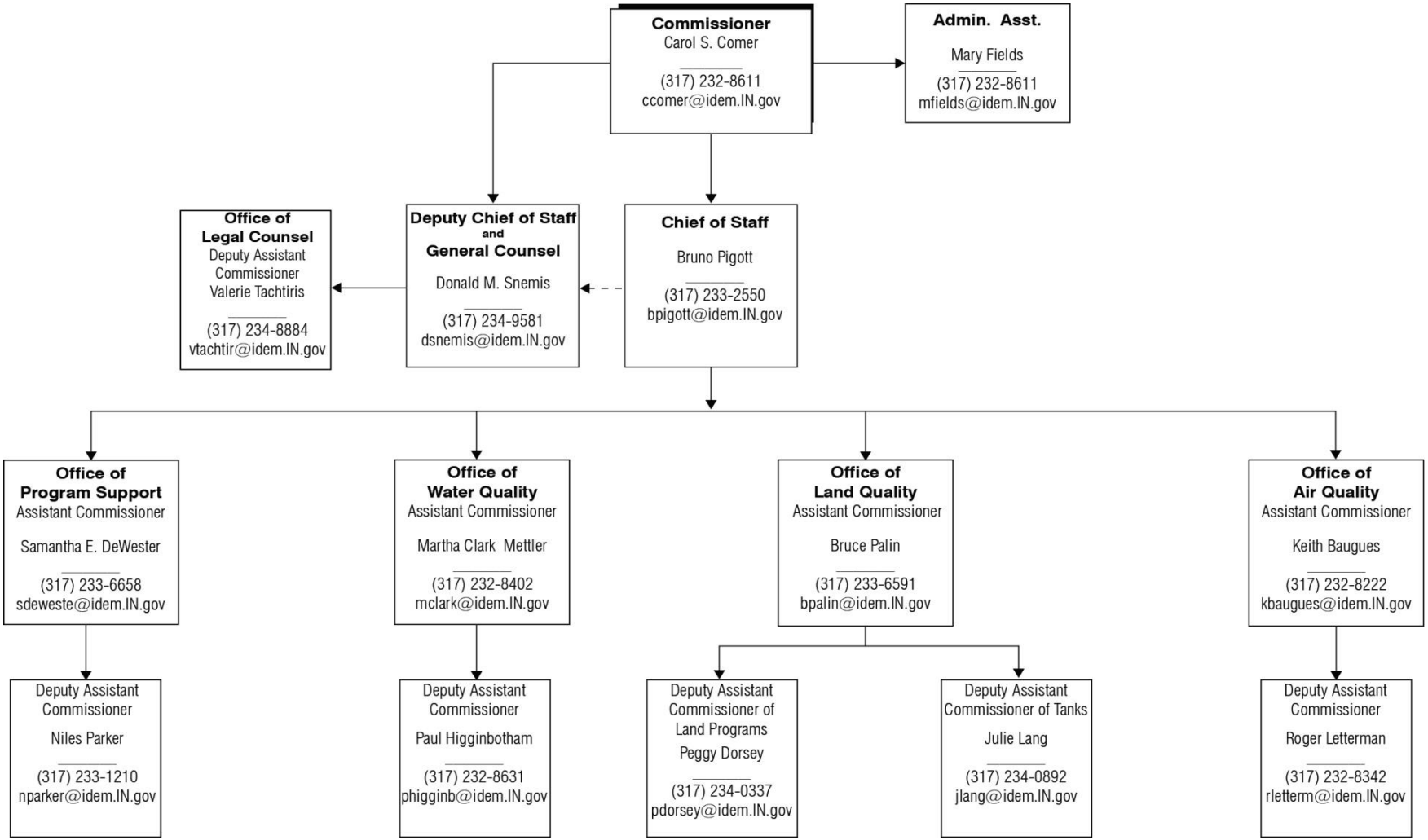
"Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners' motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court."

In re: Environmental Protection Agency and Department of Defense Final Rule; "Clean Water Rule: Definition of the Waters of the United States," Sixth Circuit District Court, October 9, 2015

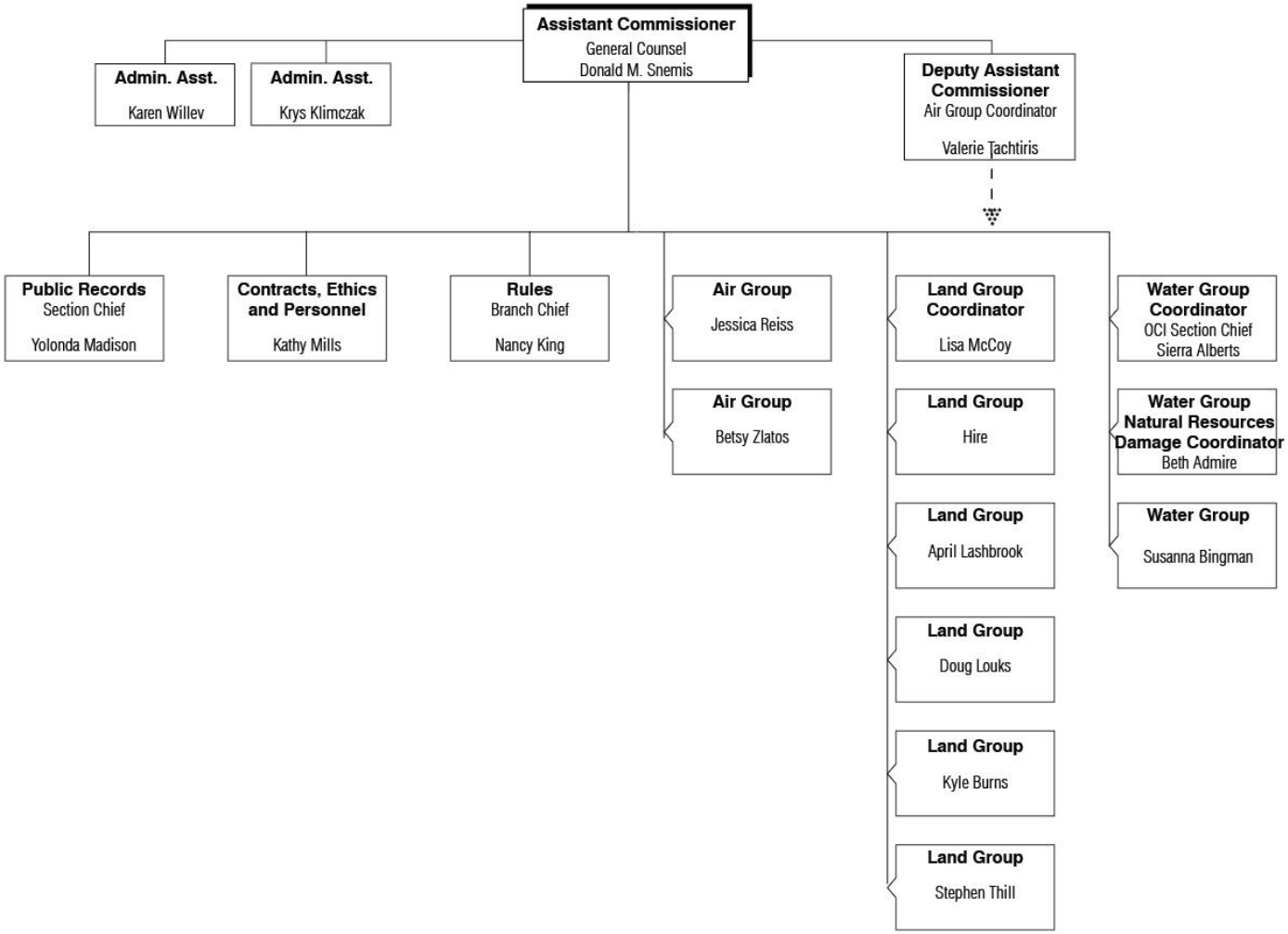
Coal Combustion Residuals

- The federal rules are self-implementing with enforcement through citizen suits
- EPA has indicated states may extend compliance schedules if they amend their Solid Waste Management Plans
- Emergency Rule passed to provide IDEM authority to regulate surface impoundments containing CCR
- Indiana's Solid Waste Plan is being amended to address CCR and criteria for extending compliance deadlines
- IDEM will be updating its solid waste disposal rules to conform with EPA disposal requirements and incorporate surface impoundment regulations

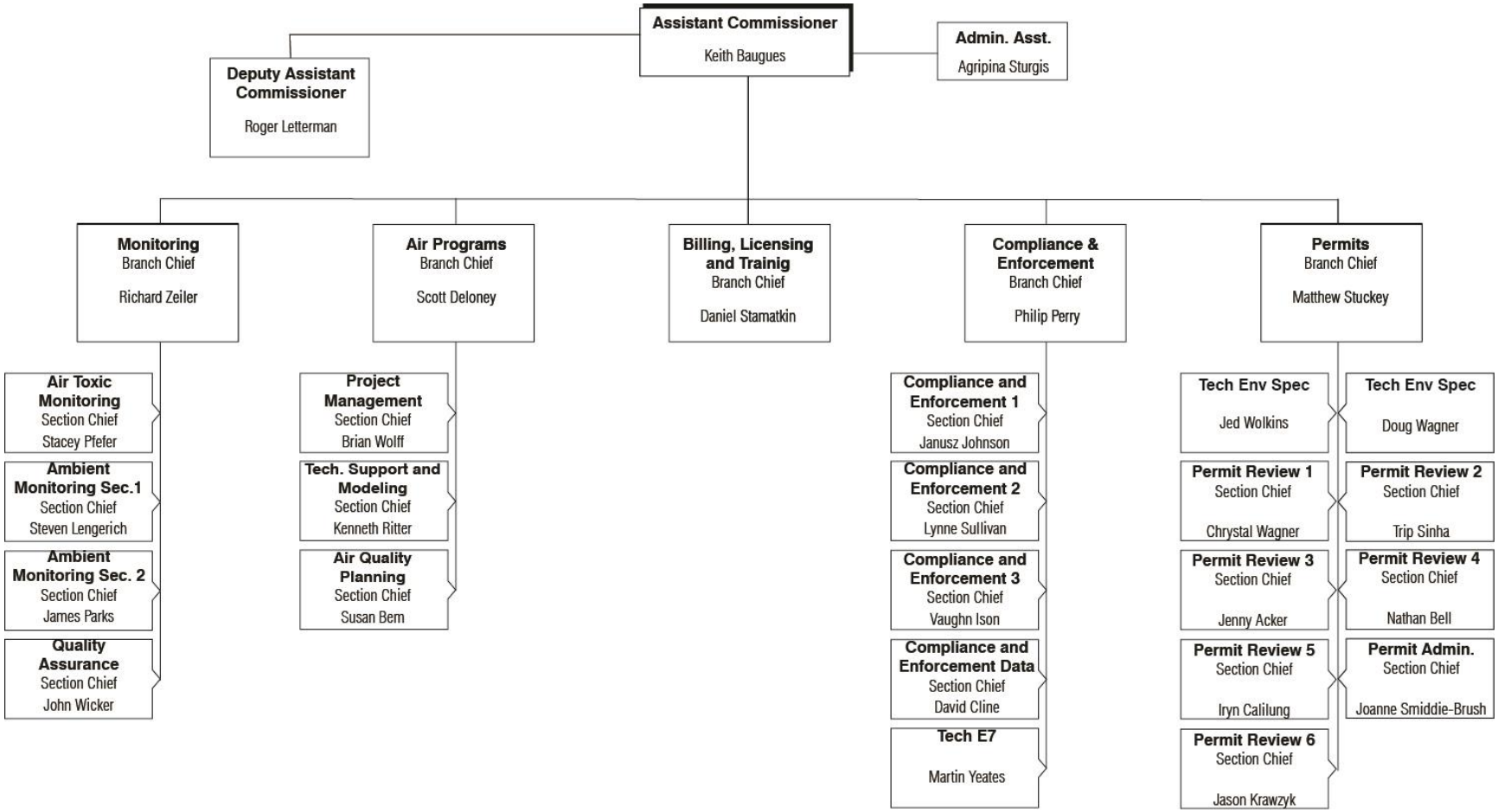
IDEM Leadership



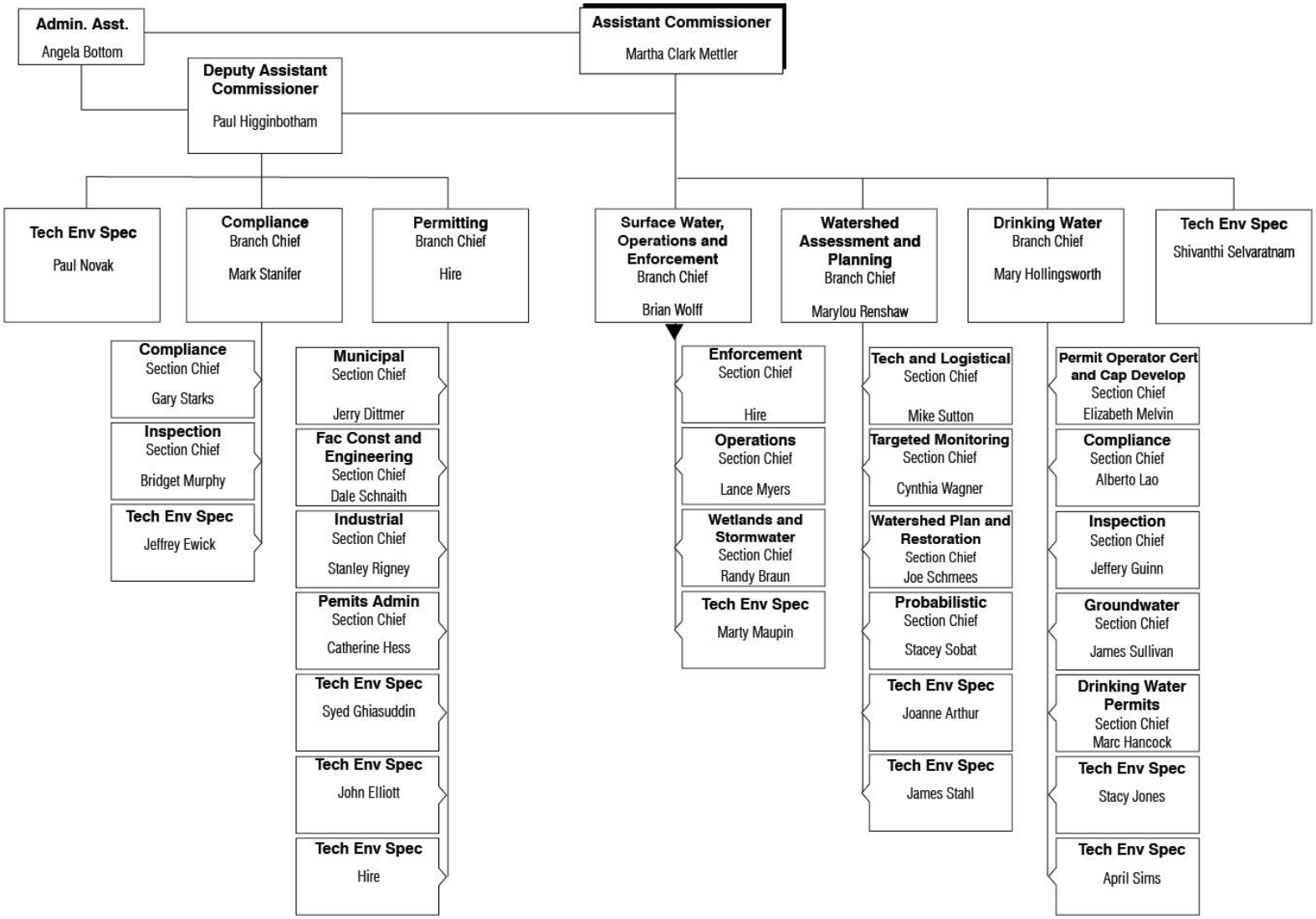
Office of Legal Counsel



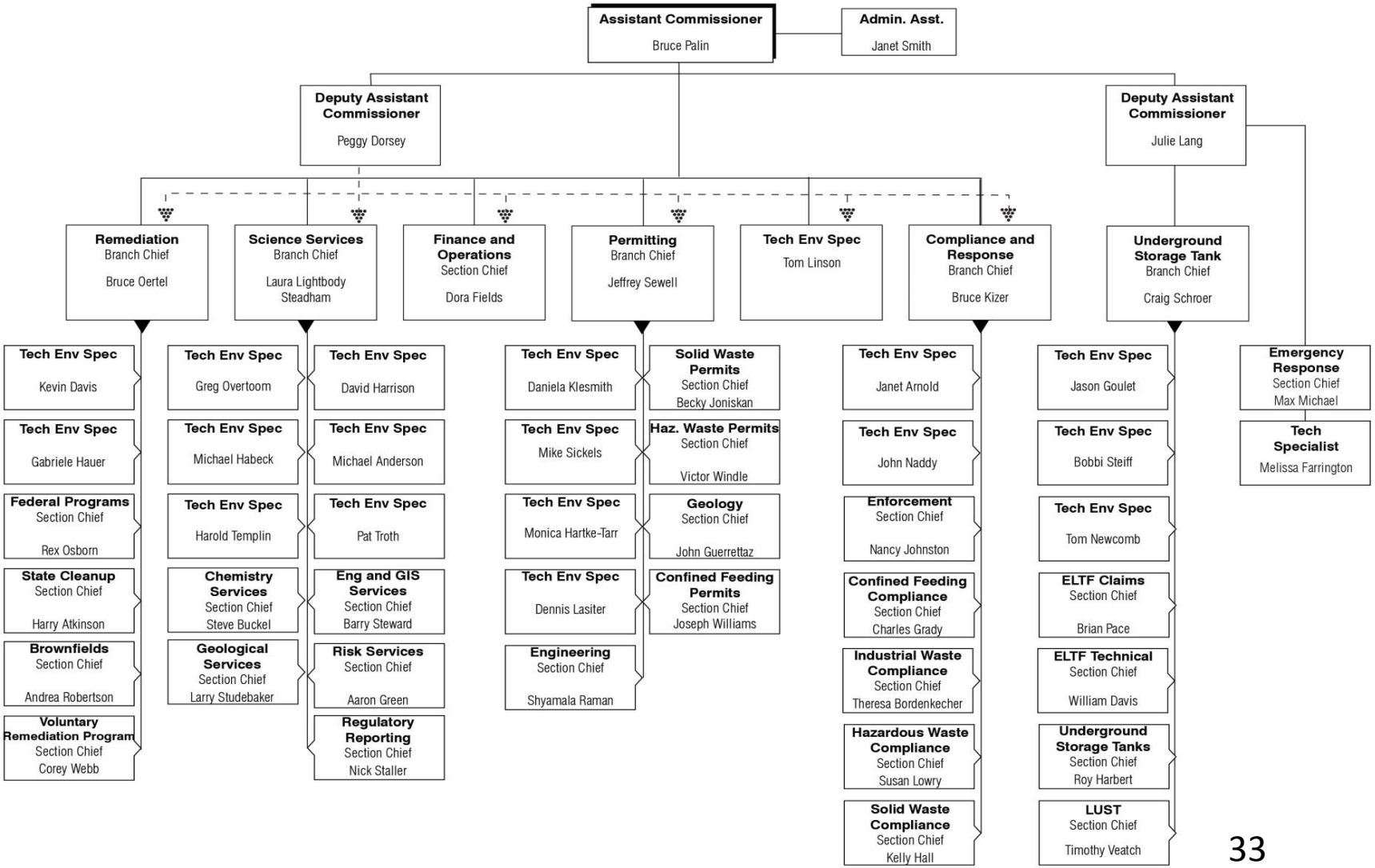
Office of Air Quality



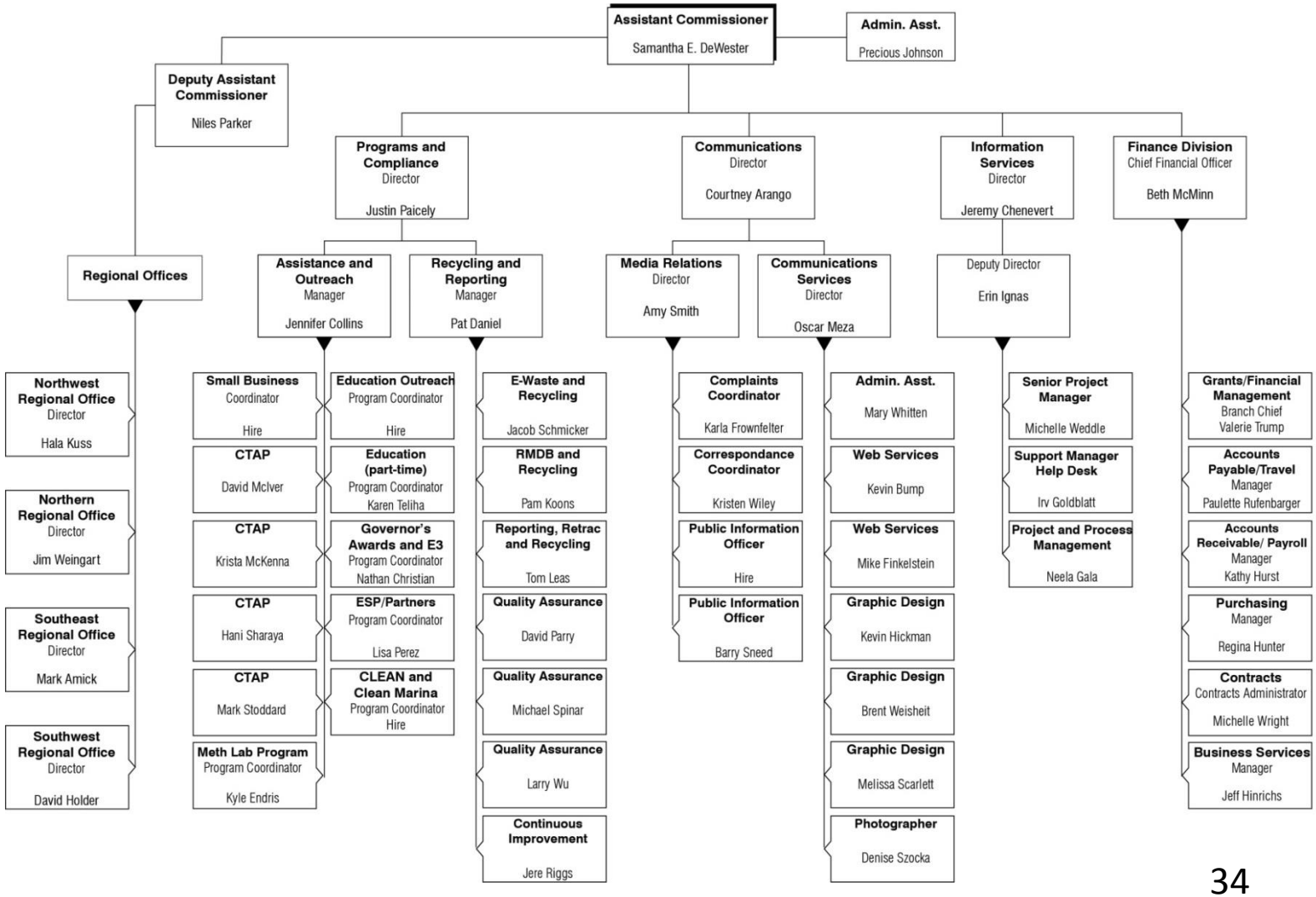
Office of Water Quality



Office of Land Quality



Office of Program Support



Questions?

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