

2009-2011

ENPPA



Environmental Performance Partnership Agreement

**Indiana Department of Environmental Management
and U.S. Environmental Protection Agency Region 5**

2009-2011 Final Assessment Report July 1, 2009 – June 30, 2011

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**Final Assessment Process Conditions Report for the
Environmental Performance Partnership Agreement
between
Indiana Department of Environmental Management
and
U.S. Environmental Protection Agency Region 5
July 1, 2009 – June 30, 2011**

Purpose of the EnPPA

The Indiana Department of Environmental Management (IDEM) and the United States Environmental Protection Agency, Region 5 (U.S. EPA R5) have entered into their seventh Environmental Performance Partnership Agreement (EnPPA). This biennial agreement identifies program specific priorities and program specific joint priorities between the two agencies. The purpose of this agreement is:

1. To determine a specific list of program elements for primary focus;
2. To develop a general plan of action for each element listed;
3. To describe the roles and responsibilities of each agency in addressing each element;
4. To set the term of this agreement from July 1, 2009, to June 30, 2011.

The EnPPA is a product of the National Environmental Performance Partnership System (NEPPS), a joint initiative of the U.S. EPA and Environmental Council of States (ECOS). The EnPPA, formed under NEPPS, is designed to provide states and U.S. EPA with flexibility in achieving environmental results and to enhance accountability in achieving environmental progress. The Performance Partnership Grant (PPG) is the federal grant used to fund many of the EnPPA activities.

Scope of the EnPPA

The EnPPA, including the general work plans, primarily focuses on activities that are funded by PPG dollars. The scope of the EnPPA by no means fully encompasses the entire work load of each agency, but is intended to compliment IDEM's strategies and U.S. EPA's regional work plan. It is designed to be a concise strategic document to be used to focus limited resources on specific outcomes. In addition to the general work plans described within the EnPPA, IDEM has more detailed work plans to be used internally to address and complete the elements committed to within this agreement.

Grants Covered Under the EnPPA

IDEM in keeping with recent national trends includes the use of a Performance Partnership Grant (PPG) structure as part of its Performance Partnership Agreement (PPA). The PPG structure has successfully provided IDEM more flexibility in the use of federal financial resources to address environmental issues using a multifaceted approach, and has reduced the administrative burden of having numerous specific categorical grants tied to work plans. The PPG allows for the continuance of key resource investments that have already been determined to be priority activities. The federal and state funding in the current PPG are \$24.14 million and \$19.57 million respectively. The proposed general categories are as follows:

1. Clean Water Act (CWA) Section 106-activities under CFDA 66.419;
2. Public Water System Supervision (PWSS)-activities under CFDA 66.432;
3. Watershed Section 319(h)-activities under CFDA 66.460;
4. Air Section 105-activities under CFDA 66.001;
5. Air PM_{2.5} Section 103-activities under CFDA 66.034;

6. Resource Conservation Recovery Act (RCRA) (Hazardous Waste Permitting and Great Lakes Initiative)-activities under CFDA 66.801 and 66.808;
7. Polychlorinated Biphenyl(s) (PCB)-activities under CFDA 66.701;
8. Corrective Action-activities under CFDA 66.801.

Non-PPG grant activity covered in the EnPPA include components from the following sources:

1. Wetlands Development Grant Program CVA 104 (b)(3)-activities under CFDA 66.479;
2. Underground Storage Tank (UST) -activities under CFDA 66.805 and 66.816;
3. Outreach Operator Training 104(g)(1)-activities under CFDA 66.467;
4. Counter Terrorism Safe Drinking Water Act (SDWA) 1442-activities under CFDA 66.474;
5. Clean School Bus USA-activities under CFDA 66.036.
6. Biowatch-activities under Department of Homeland Security CFDA 97.091;
7. Diesel Emissions Reduction Act, CFDA 66.040;
8. American Recovery and Reinvestment Act; CFDA 66.040.

Fiscal Responsibility

With the receipt and use, of federal funds towards an endeavor, comes the responsibility of the recipient to track the success of the program and to show results. To achieve the goals of transparent grants management, IDEM has incorporated standard operating procedures (SOPs), a grants management policy and a grants data tracking system to direct the application, receipt, use and closeout of all grants the agency receives. This approach will provide for easy information sharing and interaction between the awarding agencies and IDEM.

Development and Elements of the EnPPA

The development process:

1. **Initial List:** An initial list of EnPPA priorities began with IDEM team members discussing and listing the past, present and future goals of each program area.
2. **Draft Priority List:** The draft priority list was developed from the initial list, focusing on those priorities that were funded primarily by U.S. EPA grants.
3. **Draft EnPPA:** The draft EnPPA was developed from the priority list and presented to U.S. EPA R5 during a kick-off meeting held in Merrillville on April 14, 2009.
4. **Program Work Group Discussion:** Program groups from both agencies met jointly to discuss work plans, goals and EnPPA priorities. (The joint group meeting for Air Quality was held on April 23, 2009, Water Quality April 16, 2009, and Land Quality May 27, 2009.)
5. **Final EnPPA:** The final EnPPA was a result of shared discussions and mutual agreement between the agencies.

The elements:

1. The elements of the EnPPA provide a framework for accountabilities by clearly identifying IDEM and U.S. EPA actions, roles and specific program area contacts.
2. The elements of the EnPPA require a joint assessment. The joint assessment will be an annual discussion between IDEM and U.S. EPA at the end of year one. The joint assessment will highlight successful program achievements; identify areas that need improvement and/or additional resources; provide a mechanism for discussions and adjustments in specific program directions or approaches.
3. The reporting elements of the EnPPA will be interpreted into a formal closure report.
4. The EnPPA is viewed as a "living document" that is flexible and can be modified, upon agreement, to reflect changes in IDEM and U.S. EPA needs.

Roles of IDEM and USEPA

This agreement defines the roles that both IDEM and U.S. EPA R5 will undertake to meet the program commitments. IDEM and U.S. EPA recognize the primary role of IDEM in administering federal environmental programs delegated to the state under federal law and in carrying out state programs prescribed under state law. U.S. EPA R5's role in assisting IDEM includes: addressing multi-state or national issues directly; implementing programs not delegated to IDEM; and working on targeted sectors, watersheds or airsheds in conjunction with IDEM. Several activities are common to both IDEM and U.S. EPA R5, such as permitting, compliance, enforcement, monitoring, and outreach.

Compliance and Enforcement Assurance

Program specific compliance and enforcement activities accomplished during the term of this EnPPA are included in the detailed branch level priorities and the state program specific plans. The following tenets serve as the foundation for IDEM-U.S. EPA relationships with respect to compliance and enforcement activities:

- Utilize the most effective application of compliance tools to encourage regulated facilities to maintain and, where possible, exceed compliance with environmental laws (e.g., compliance assistance, compliance assurance, administrative/civil enforcement, and criminal prosecution).
- Utilize joint preplanning to coordinate priorities, maximize agency resources, avoid duplication of efforts, eliminate "surprises," and institutionalize communication.
- Manage for internal and/or external environmental results.

In addition to providing guidance to IDEM, U.S. EPA has a continuing role in environmental protection in the State of Indiana. U.S. EPA carries out its responsibilities in a variety of ways, including:

- Acting as an environmental steward, ensuring that national standards for the protection of human health and environment are implemented, monitored and enforced consistently in all states.
- Assisting in conducting inspections and enforcement actions.
- Providing compliance and technical assistance to the state and its regulated entities.
- Providing science based information to the state and its regulated entities.

Under this EnPPA agreement, IDEM and U.S. EPA retain their authorities and responsibilities to conduct enforcement and compliance assistance. Enforcement will be accomplished in the spirit of cooperation and trust. Specific federal enforcement and compliance assistance responsibilities include, but are not limited to, the following:

- Working on national priorities and regional priorities.
- Ensuring a level playing field and national consistency across state boundaries.
- Addressing interstate and international pollution (e.g., watersheds and ambient air).
- Addressing criminal violations.
- Conducting enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders.
- Conducting state reviews in accordance with the National State Review Framework.

Quality Management Plans

IDEM has a quality management plan (QMP) in place effective through April 17, 2012. The agency QMP describes the organizational structure of the agency quality system; quantifies the level of agency resources committed to quality assurance/quality control (QA/QC) issues; documents agency quality system QA/QC policies and practices; catalogs agency QA/QC-related training, purchasing and document and record management practices; describes agency planning tools and explains implementation practices; and establishes agency quality system assessment and improvement strategies.

IDEM has completed four more branch level quality management plans (QMPs) (Air Monitoring, Air Programs, Water Assessment, and OPPTA); bringing the total of completed branch-level QMPs to six. Five other draft branch-level QMPs have undergone review by the agency QA manager, and are pending final revision and authorization by signature by the respective branches. IDEM has approved by signature 517 authorized QA related documents.

The IDEM Quality Assurance Annual Reports were sent to U.S. EPA R5 on the following dates:

- 2007-2008 Quality Assurance Annual Report sent June 11, 2008;
- 2008-2009 Quality Assurance Annual Report sent June 8, 2009;
- 2009-2010 Quality Assurance Annual Report sent on June 18, 2010.

Reporting

IDEM will continue to report to U.S. EPA the necessary information as required and agreed upon, including required timelines. It is recognized that reporting requirements beyond those specifically mentioned in this agreement do exist. Those requirements often relate to populating national databases or to tracking performance against priority activities identified in the internal IDEM work plans. These requirements may be embodied in a variety of existing agreements and are not reiterated in this agreement. IDEM will reference its website and other existing reports as supporting documentation for the EnPPA and the PPG. Both IDEM and U.S. EPA will report through the Joint Assessment Process.

Reporting through the Joint Environmental Conditions and the Final Conditions Report the following status tools for each performance measure are used:

1. Complete. The performance measure elements have been completed.
2. In progress. The performance measure is progressing towards a specific goal or objective.
3. Ongoing. The performance measure is progressing and will be a continuing measure in the next EnPPA cycle.
4. Incomplete. The performance measure has not been adequately addressed.
5. Project withdrawn. The performance measure has been withdrawn due to the stated reasons or fiscal constraints.

If IDEM is presented with a funding shortfall for any performance measure funded by federal dollars agreed upon in the Performance Partnership Agreement (PPA), or negotiated in the EnPPA, both parties reserve the right to renegotiate and discuss removal of performance measures from the EnPPA.

Joint Priorities and Action Items

Joint priorities represent a subset of environmental program responsibilities that IDEM and U.S. EPA R5 agree represent investment priorities for the EnPPA period for various reasons, for

example:

1. The program is an important, newly developing initiative that requires the attention of both IDEM and U.S. EPA R5 to adequately develop.
2. The program area is at risk of inadequately functioning, and the deficiency represents a significant vulnerability to the integrity of the environmental protection program.
3. The program represents a long-term strategic investment opportunity.

The program offers the opportunity to demonstrate innovations to promote environmental improvements or enable efficiency enhancements.

IDEM and U.S. EPA R5 have identified the following Joint Priorities:

Air Quality Program Joint Priorities

Air Monitoring for Toxics Near Schools—**Ongoing. U.S. EPA is taking the lead and the final report is being drafted.**

Midwest Clean Diesel Initiative and Implementation of the American Recovery and Reinvestment Act of 2009 Clean Diesel Grant Program—**Complete. ARRA grant projects. Ongoing. MCDI program.**

Land Quality Joint Priorities

Indiana Harbor, Shipping Canal and Grand Calumet River—**In progress.**

Water Quality Joint Priorities

Develop common understanding of the appropriate use of compliance schedules in NPDES permits. Develop strategies to communicate this information to affected permittees. **Ongoing. IDEM and U.S. EPA have developed a common understanding and approach toward the granting of compliance schedules in NPDES permits while working on the renewal of several industrial NPDES permits issued by the agency over the last two years. IDEM is utilizing the letter U.S. EPA generated on the issue of schedules of compliance as a guide when drafting permits.**

Homeland Security Joint Priorities

Heartland Emergency Response Exchange (HERE) Network—**In progress. Waiting on U.S. EPA contractor.**

Indiana Water/Wastewater Response Exchange Network (INWARN)—**In progress.**

Participate in Continuity of Operations (COOP) Exercises—**In progress.**

Pollution Prevention Joint Priorities

Measurement of Solid Waste Diversion and Recycling—**Ongoing. In discussion.**

Greening Facilities and Venues—**In progress.**

IDEM and U.S. EPA R5 have met and identified the following Action Items. Action Items are items that can be worked on independently and are not necessarily addressed within the EnPPA.

Air Quality Program Action Items

IDEM to draft letter to U.S. EPA R5 to work with U.S. EPA Headquarters regarding the permitting of emission control projects implemented in response to federal regulations such as Best Available Retrofit Technology (BART), Clean Air Mercury Rule (CAMR), Clean Air Interstate Rule (CAIR), and Maximum Achievable Control Technology (MACT) standards. More specifically, projects that would have been exempt from NSR permitting prior to the June 24, 2005, D.C. Circuit Court decision (*State of New York vs. U.S. EPA*) which removed the pollution control projects (PCP) exclusion.—**Complete.**

Land Quality Program Action Items

IDEM to seek guidance from U.S. EPA R5 on the enforcement of financial assurance for Treatment, Storage and Disposal (TSD) facilities—**Complete.**

IDEM requests U.S. EPA R5 help regarding revising technical documents involving Risk Integrated of Closure (RISC)—**In progress.** On April 20, 2010, IDEM sent letters to Margaret Guerrero (U.S. EPA R5 Land and Chemicals Division and Richard Karl U.S. EPA R5 Superfund) notifying U.S. EPA of 2009 Indiana statutory changes affecting various IDEM remediation programs. A copy of IDEM's interpretive guidance document, the HEA 1162 Interim Implementation Document, was attached to the letters for U.S. EPA's review.

The clarification of state match dollars versus cash upfront regarding monies involved in the Superfund Program—**Complete.**

Water Quality Program Action Items

IDEM to draft letter to U.S. EPA Headquarters regarding concern about the slow progress on review of the plans and development of consent decrees addressing combined sewer overflows (CSOs) in several communities—**Complete.** IDEM sent a letter to U.S. EPA R5 on April 15, 2009, and received a response from U.S. EPA R5 on May 1, 2009.

Cross Program Action Items

Define Heartland Emergency Response Exchange (HERE) Network Contacts—**Ongoing.**

U.S. EPA and IDEM will work jointly to develop a mechanism to address permits, variances and waivers during an emergency crisis.—**Complete.**

Promote Green Practices—**In progress.**

Joint Planning and Evaluation Process

IDEM and U.S. EPA R5 both agree that it is important to clearly articulate how all the components of the performance partnership are evaluated. In order to evaluate this agreement and complete the previous one, both agencies will participate in a joint planning and evaluation process. The process timeline is as follows:

Actions

2009-2011 EnPPA Begins
Final Environmental Conditions Report (2007-2009 EnPPA)
U.S. EPA Evaluation of State's Final Report (2007-2009 EnPPA)
Joint Assessment Process
Joint Assessment Process Conditions Report
U.S. EPA R5's Evaluation of Report
Senior Management Planning Meeting (2011-2013 EnPPA)
IDEM/U.S. EPA Program-to-Program Meetings (2011-2013 EnPPA)
Workplan Negotiation (2011-2013 EnPPA)
Workplan Finalized (2011-2013 EnPPA)
Draft EnPPA Finalized (2011-2013 EnPPA)
2011-2013 EnPPA Begins
2009-2011 EnPPA Final Environmental Conditions Report

Deadlines

July 1, 2009
Sept. 30, 2009
Dec. 2009
June 2010
Sept. 30, 2010
Dec. 2010
April 2011
April/May 2011
April 2011
May 2011
June 2011
July 1, 2011
Sept. 30, 2011

The joint assessment process for this agreement will:

- Provide general discussion, measurements of outcomes and analyze the environmental and programmatic results of each element;
- Identify emerging issues, environmental trends, and strategies for improvement;
- Provide flexibility in both form and substance, as warranted by program performance;
- Seek to eliminate duplicative or unnecessary efforts and reporting;
- Respond with appropriate solutions, including redirecting goals, and resources;
- Encourage IDEM to find innovative program implementation alternatives, as long as the desired result is able to be measured and achieved.

The success of each outcome of this agreement relies on clear, constructive communication and the commitment of IDEM and U.S. EPA R5 to work together to implement IDEM's **Plan-Do-Check-Improve** model, to solve problems and improve the programs. If any differences exist on specific issues or problems, IDEM and U.S. EPA R5 should move quickly to resolve them at the staff level or elevate the issue through the dispute resolution process in order to gain resolution.

Mutual Accountability

The approach from direct oversight to mutual accountability and joint assessment is a shift from the traditional approach. IDEM and U.S. EPA R5 will jointly assess each program element and determine the appropriate course change, as needed. U.S. EPA R5 will review and act on new regulations in program areas that impact Indiana's authorization or where federal statute or regulation requires U.S. EPA review and approval of state actions (e.g., water quality standards).

Dispute Resolution Process

IDEM and U.S. EPA R5 will use the following agreed-upon dispute resolution process to handle the conflicts that may arise as we execute this agreement. We will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure. For the purpose of this agreement, the following definitions will apply:

Dispute: Any disagreement over an issue that prevents a matter from going forward.

Resolution Process: A process whereby the parties move from disagreement to agreement over an issue.

Informal Dispute Resolution Guiding Principles

- Recognize conflict as a normal part of the state/federal relationship;
- Approach disagreement as a mutual problem requiring efforts from both agencies to resolve;
- Approach the conflict as an opportunity to improve joint efforts;
- Aim for resolution at the staff level, while keeping management informed;
- Disclose underlying assumptions, frames of reference and other driving forces;
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties;
- Document discussions to minimize future misunderstandings;
- Pay attention to time frames and/or deadlines and escalate quickly when necessary.

Formal Conflict Resolution

There are several formalized programmatic conflict resolution procedures that may need to be invoked if the informal route has failed to resolve all issues. Examples include:

- 40 CFR 31.70 (outlines the formal grant dispute procedures);
- National Pollutant Discharge Elimination System (NPDES) conflict resolution procedure;
- Superfund program dispute resolution contract that provides neutral third parties to facilitate conflict resolution for projects accepted into the program.

For matters involving this agreement, the following procedures will be utilized:

1. Principle: Disputes should be resolved at the front line or staff level, when feasible.
2. Time frame: Disputes should be resolved as quickly as possible but within two weeks of the issue arising at the staff level. If unresolved at the end of two weeks, the issue should be raised to the next level of each agency.

3. Escalation: When there is no resolution of the issue and the two weeks have passed, there should be comparable escalation in each agency, accompanied by a statement of the issue and a one-page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need to be raised to a higher level should again be raised in comparable fashion in each agency, until resolution is obtained.

Environmental Conditions in Indiana

To put the elements of this agreement into context, it is useful to review the progress achieved in each program area and the current status of our waters, air, and land in Indiana. A summary of Indiana's environmental conditions are as follows and are used as the basic elements listed in each area work plan:

Air

Indiana's air quality has improved significantly in the last 17 years. Regulatory programs aimed at emission reductions for vehicles and industry have reduced smog and dust levels throughout the state. Voluntary programs such as ozone education and awareness, diesel retrofits, and anti-idling policies have played an important role in improving Indiana's air quality. Air quality in Indiana in all but one county (Clark) now meets health standards set by the U.S. EPA for ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and coarse and fine particles of dust and soot (PM₁₀, PM_{2.5}) as measured by air quality monitors located across the state.

The U.S. EPA has adopted protective health standards for ozone, based on an eight hour measurement, and standards for fine particles (PM_{2.5}). Initially, Indiana had 24 counties or portions of counties that were designated non-attainment for the eight hour ozone standard and 17 counties or portions of counties designated non-attainment for the annual PM_{2.5} standard. Currently, Indiana has requested that all counties be designated attainment for the eight hour ozone standard. Only one of the original 17 counties designated by the U.S. EPA as non-attainment for PM_{2.5} do not meet the current standard.

Levels of air toxic chemicals are also of concern in Indiana. IDEM has been operating an air toxics monitoring network to measure and track hazardous air pollutants since 1999. IDEM has adopted into state law the national emission standards for hazardous air pollutants, which provide industry-specific control technology requirements, so that the state can enforce these federal standards, reducing Hoosier exposure to harmful air toxics. IDEM has worked to provide compliance assistance to industries subject to these new standards. Risk assessment capabilities have also been developed to investigate air toxics and better understand risks at the community and state level. IDEM also has facilitated voluntary programs to reduce the risks of diesel emissions, such as the School Transportation Association of Indiana's anti-idling policy, and school bus and municipal fleet diesel retrofits.

IDEM's air permitting program has made tremendous progress in reducing permit backlog and issuing permits in a timely fashion. U.S. EPA was instrumental in accomplishing these improvements. Further efficiency improvements are planned for the air permit program.

The Office of Enforcement was reorganized in November 2008 to place each of the media enforcement programs into the various media compliance programs (Office of Air Quality, Office of Land Quality, and Office of Water Quality). The reorganization was designed to help integrate compliance and enforcement activities to improve IDEM's ability to use the various compliance tools, enforcement tools and resources to improve compliance in each of the media programs. The reorganization was designed to create a more efficient process to address and resolve noncompliance, allow inspectors to see compliance issues through all the way to

resolution and merge enforcement case management with the technical resources needed to resolve noncompliance. The Office of Enforcement case managers and the Office of Air Quality (OAQ) Compliance Branch inspectors were integrated into the OAQ Compliance and Enforcement Branch. In February 2009, the Office of Air Quality (OAQ) Compliance and Enforcement Branch conducted a value stream mapping event using a Kaizen approach to map the current compliance and enforcement processes. The event culminated in a redesigned noncompliance resolution process that integrated former inspectors and enforcement case managers into compliance and enforcement managers that are responsible for a case from the identification of noncompliance to ultimate resolution of the noncompliance.

In summary, IDEM's Office of Air Quality (OAQ) challenges include working with the U.S. EPA to achieve anticipated outcomes as a result of completing the priorities listed in the OAQ section of this agreement.

Non-PPG State Activities

- Open Burning Permits
- Asbestos Accreditation
- Vapor Recovery
- Rule Revisions
- Efficiency Initiatives (Lean/Kaizen)
- Community Outreach Efforts
- Inspections of Automobile Tampering
- Area Source National Emissions Standards Hazardous Air Pollutants (NESHAPs)
- Midwest Clean Diesel Initiative and Implementation of the American Recovery and Reinvestment Act of 2009 Clean Diesel Grant Program.
- Government Efficiency

Land

Considerable progress has been made by IDEM's Office of Land Quality (OLQ). Regulations, compliance and enforcement programs aimed at addressing entities that treat, store, generate, or dispose of contaminants have had significant impact on improving the quality of land in Indiana.

In addition to other programs, IDEM has and will continue to focus on corrective actions at hazardous waste facilities and leaking underground storage tanks (USTs). Considerable resources have been focused to obtain and address the environmental indicators established through the Government Performance and Results Act (GPRA).

Additionally, significant resources will be focused to implement the Energy Policy Act of 2005. The OLQ staff is committed to continuous improvement through adaptation and development of rules and policies, including the reorganization of roles within the department to further refine protection and as a response to new technologies. Through OLQ's compliance assistance efforts, the expected outcomes include providing the regulated communities with a comprehensive understanding of rules, regulations, and expectations, thus improving their ability to comply with applicable requirements.

Non-PPG State Activities

- Solid waste processing facilities
- Solid waste disposal sites
- Waste tire processing and storage sites
- Waste tire transporters
- Vegetative compost sites

- Septage haulers and land application sites
- Confined feeding operations that are smaller than CAFOs
- Auto salvage sites
- Industrial waste generators
- Open dump complaints
- Voluntary Remediation Program and State Clean Up
- Underground Storage Tank Excess Liability Trust Fund Program
- Methamphetamine Clean Up
- Twenty-four/Seven Emergency Response Program

Water

Indiana surface waters today are decidedly cleaner than they were decades ago. Indiana's probabilistic surface water monitoring strategy has allowed a comprehensive, basin-scale assessment of all Indiana rivers and streams. To date, IDEM has site-specifically assessed approximately 33.1% of Indiana's stream miles for recreational uses and has found that 31% (3,700 miles) of those assessed are fully supporting of full body contact recreational uses. Approximately 48% of Indiana's stream miles have been assessed for aquatic life use support, and 79% of these (13,913 miles) were found to be fully supporting of healthy aquatic communities (macro invertebrates and/or fish).

IDEM continues to identify general causes and sources of surface water impairments within the state. Many of the specific outputs listed within the water work plan section of this agreement are intended to focus on and address water impairments. The 2008 303(d) List of Impaired Waters identifies waterbodies not meeting Indiana's water quality standards. IDEM teams are continuing to develop total maximum daily load calculations (TMDLs), as required by Section 303(d) of the Clean Water Act (CWA), to identify sources contributing to the impairment of Indiana's surface water. IDEM continues to target impaired waterbodies for water quality improvement projects and provides support for those projects that will reduce nonpoint source pollution through utilization of the 319 grant funds.

IDEM recognizes the need to timely issue National Pollutant Discharge Elimination System (NPDES) permits and maintain adequate compliance and enforcement of those permits to reduce water impairments resulting from point sources. During the 2007-2009 EnPPA cycle, IDEM reduced the number of expired industrial NPDES permits to just the few, complex renewals for steel mills. IDEM will need U.S. EPA's assistance in resolving outstanding policy issues to completely eliminate the backlog of expired NPDES permits with this EnPPA cycle.

IDEM understands the importance of having long term control plans (LTCPs) in place to reduce the incidence of combined sewer overflows (CSOs), which also contribute to the impairment of Indiana's waters. Except for some of the communities with U.S. EPA led negotiations, all Indiana CSO communities have approved plans to develop and/or implement a LTCP in enforceable documents.

IDEM utilizes regulatory, compliance and enforcement tools to ensure compliance with NPDES permits and LTCPs. IDEM continues to provide compliance assistance and other tools to help regulated communities gain a comprehensive understanding of rules, regulations, and expectations, thus improving their ability to comply with applicable requirements.

Reduction of impairments is critical for the protection of Indiana's public water drinking supplies (PWSSs). IDEM has assessed most of Indiana's PWSSs. These assessments provide an inventory of potential contaminants and a determination of water system susceptibility to

contamination. IDEM will work with public water supply systems to help them understand the assessment information and develop and implement plans to protect drinking water sources. Additionally, IDEM utilizes regulatory, compliance, and enforcement tools to ensure the safety of Indiana's public drinking water supplies.

IDEM's Office of Water Quality (OWQ) is committed to meet its obligations outlined within this agreement. OWQ is working to identify additional resources necessary to meet those commitments, including trade-offs that may result in discussions during the execution of this agreement.

Non-PPG State Activities

- State construction permits for water and wastewater
- Laboratory QA/QC for wastewater systems
- Operator assistance at wastewater treatment plants
- Drinking water and wastewater operator certification
- Ground water programs
- Capacity development for drinking water systems
- 319 Nonpoint Source (NPS) Reduction Grant Program
- 205(j) Water Quality Planning Grant Program
- State Revolving Fund Loan Program

Outlook

Indiana, in partnership with U.S. EPA and other stakeholders, can be proud of its environmental record, but must be ready for continuing challenges. This agreement, addressing near-term focus points and program specific elements and corresponding work plans, is designed to outline those commitments. The outcomes are intended to improve environmental conditions in the State of Indiana and provide a mechanism to track the improvement.

Air Quality

Air Permits Branch

Title V Operating Permits (TVOPs)

A-1

IDEM Contact(s): Matt Stuckey

USEPA Contact(s): Pamela Blakley

Due Date: June 30, 2011

USEPA Role: Provide program assistance.

Issue all TVOPs in a timely manner consistently with federal and state requirements:

- ☐ a) Track progress of all TVOP applications received by IDEM.

Status: Ongoing.

The following data details IDEM's TVOP activities since July 2009:

Five TVOPs were pending as of June 30, 2011.

Five had fewer than 546 calendar days.

None had more than 546 calendar days.

TVOP applications received December 01, 2001 - December 31, 2004:

Total of 48 issued, zero issued during period July 01, 2010 - June 30, 2011.

None pending.

TVOP applications received December 01, 2005 - December 31, 2006:

Total of 40 issued, one issued during period July 01, 2010 - June 30, 2011.

None pending.

TVOP applications received January 01, 2007 - December 31, 2008:

Total of 32 issued, one issued during period July 01, 2010 - June 30, 2011.

None pending.

TVOP applications received January 01, 2009 - December 31, 2010:

Total of 21 issued, 13 during period July 01, 2010 - June 30, 2011.

None pending.

Five withdrawn, one canceled.

Twenty-seven applications total received, four of which were received during period July 01, 2010 - December 31, 2010.

TVOP applications received January 01, 2011 - June 30, 2011:

Total of two issued.

Four pending.

One withdrawn.

Seven applications total received.

- ☐ b) Timely issuance of all Title V operating permits – IDEM will ensure that progress is made on all pending initial TVOP applications.

Status: Ongoing. Seventeen TVOPs were issued; of these 15 TVOPs were issued within 546 calendar days; and two TVOPs were issued in more than 546 calendar days.

- ☐ c) Timely issuance of all Title V permit renewals – IDEM will ensure progress is made on all pending TVOP renewal applications so that these renewals are issued prior to the expiration of their current TVOP or for late applications are issued within nine months of receipt of the application. IDEM will reduce the number of backlogged TVOP renewals, if any; by 10% for each state fiscal year (using the June 2009 and 2010 TOPS reporting data as the baseline).

Status: Ongoing. Eighty-six Title V renewals were issued during period July 01, 2010 - June 30, 2011. Fifty-five were issued within 270 calendar days. Thirty-one were issued in more than 270 calendar days. One hundred twenty-four Title V renewals were pending as of June 30, 2011. Thirty-six were backlogged as of June 30, 2011 (more than 270 calendar days). Eighty-eight were not backlogged as of June 30, 2011 (less than 270 calendar days).

- ☐ d) Provide quarterly updates to the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate (RACT/BACT/LAER) Clearinghouse.

Status: Ongoing. IDEM has issued nine permits with BACT determinations since July 2009. IDEM will provide an update to reflect these and any future determinations as permits are issued.

- ☐ e) Provide semi-annual updates to the TOPS database.

Status: Ongoing. IDEM provided the last semi-annual report for the period January 01, 2011 - June 30, 2011 on July 29, 2011.

Title V Operating Permitting (TVOP) Program

A-2

IDEM Contact(s): Matt Stuckey

USEPA Contact(s): Pamela Blakley

Due Date: To be established.

USEPA Role: Work with IDEM, USEPA and OAQPS to grant TV program approval.

- ☐ a) Approval of Indiana's TVOP program.

Status: In progress. Indiana's original TVOP Program was approved by U.S. EPA in 2001. On June 14, 2010, IDEM sent a letter to U.S. EPA R5 withdrawing the 2002 submittal of its Title V Program revisions. U.S. EPA and IDEM are committed to working together to support IDEM's development of federally approved rules.

- ☐ b) U.S. EPA will provide support and guidance to IDEM on permitting high efficiency energy generation initiatives.

Status: Ongoing. There are no permits pending at this time for high efficiency energy generation initiatives.

- ☐ c) U.S. EPA will provide support to IDEM in developing and issuing flexible permits.

Status: Ongoing. U.S. EPA has provided technical assistance and guidance on specific issues related to flexible permits. There are no flexible permits pending at this time.

Minor New Source Review (NSR) Rules into the State Implementation Plan (SIP)

A-3

IDEM Contact(s): Matt Stuckey

USEPA Contact(s): Pamela Blakley

Due Date: To be established.

USEPA Role: Work with IDEM, USEPA and OAQPS to approve the SIP revision.

- ☐ a) Approval of Indiana's minor NSR rules into the SIP.

Status: In progress. IDEM continues to work with U.S. EPA R5 to address concerns they have raised regarding these rules. IDEM sent a letter in December 2007 responding to U.S. EPA R5's concerns and setting out changes to the rule that IDEM could make to address some of their concerns. On June 14, 2010, IDEM sent a letter to U.S. EPA R5 withdrawing the 1999 submittal of its minor NSR rule. U.S. EPA and IDEM are committed to working together to support IDEM's development of federally approved rules.

Article 2 Rule Revisions

A-4

IDEM Contact(s): Matt Stuckey

USEPA Contact(s): Pamela Blakley

Due Date: To be established

USEPA Role: Work with IDEM, USEPA and external stakeholders to evaluate, develop and approve revisions to Indiana's air permitting rules (326 IAC 2).

- ☐ a) U.S. EPA will assist IDEM in its efforts to assess current air permitting regulations and determine areas that require revisions to provide more clarity, consistency and allow for efficient implementation of these regulations. U.S. EPA will provide guidance and assistance to ensure that the revisions will ultimately be approvable as part of Indiana's SIP.

Status: Ongoing. A representative of U.S. EPA R5 attended one workgroup session. Subsequently, U.S. EPA determined that they could not be directly involved in the workgroup discussions, but offered to provide technical and/or legal assistance directly to IDEM.

Air Compliance and Enforcement Branch

Compliance Monitoring Strategy (CMS) for Title V and Federally Enforceable State Operating Permit (FESOP) A-5

Contact(s): Phil Perry

USEPA Contact(s): Brent Marable

Due Date: September 30, 2011

USEPA Role: Review Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS) Policy and work closely with OAQ staff to insure any issues are satisfactorily addressed.

Develop and implement the CMS plan for Title V and FESOP source inspections and compliance evaluations.

- ☐ a) Develop and negotiate the CMS plan with U.S. EPA R5 by August 31, 2009, and August 31, 2010.

Status: Complete. The FY10 CMS was developed and submitted to U.S. EPA on August 27, 2009, and the FY11 CMS was developed and submitted to U.S. EPA on August 19, 2010.

- ☐ b) Implement the CMS plan for full compliance evaluations:

- Conduct full compliance evaluations of Part 70 sources once every two years, except mega-sites, gas compressor stations, and gas turbines facilities.
- Full compliance evaluations will be conducted and completed for the Indiana Environmental Stewardship Program (ESP) members as noted in the FY08 CMS plan by the end of FY10.
- Mega-sites will be identified in the CMS plan and a full compliance evaluation of those sites will be conducted once every three years.
- Gas compressor stations and gas turbines facilities will be identified in the CMS plan and full compliance evaluations of those sites will be conducted once every five years.
- Conduct full compliance evaluations of all FESOP sources once every five years except, as noted in the CMS.
- In those years where full compliance evaluations are not conducted, partial compliance evaluations will be completed including review of annual compliance certifications, review of quarterly deviation reports, review of emergency reports, and review of the various emissions reports.

Status: Ongoing. The Air Compliance and Enforcement Branch conducted 322 of the 323 CMS full compliance evaluations on Part 70 and FESOP sources from July 1, 2009, to June 30, 2010, and conducted 227 of the 227 CMS full compliance evaluations on Part 70 and FESOP sources from July 1, 2010, to June 30, 2011. The Air Compliance and Enforcement Branch continues to conduct full compliance evaluations on Part 70 and FESOP sources beyond the CMS and the full compliance evaluations are reported to the AFS database on a monthly basis. Mega sites and gas compressor stations full compliance evaluations are conducted as part of Part 70 and FESOP sources noted above. The Air Compliance and Enforcement Branch completed the full compliance evaluations of those Indiana Environmental Stewardship Program (ESP) members as noted in the FY08 CMS plan. The Air Compliance and Enforcement Branch and Regional Offices tracked and reviewed a total of 620 or 98% of the Part 70 annual compliance certifications (ACCs) and 501 or 98% of the FESOP ACCs submitted in calendar year 2009. The Air Compliance and Enforcement Branch and Regional Offices tracked and reviewed a total of 494 or 97% of the Part 70 annual compliance certifications (ACCs) and 598 or 98% of the FESOP ACCs submitted in calendar year 2010.

- ☐ c) Upload compliance and enforcement information from Air Compliance Enforcement System (ACES) to meet U.S. EPA's minimum data requirements (MDR) within the 60 day standard required for reporting by the 2005 AFS, Information Collection Request (ICR), 1998 High Priority Violations (HPVs) Policy, and the 1986 Guidance on Federal Reportable Violations (FRVs) for stationary air sources. Ensure the information provided is complete, accurate, and timely consistent with U.S. EPA policies and the ICR.
- Status: Ongoing.** The Air Compliance and Enforcement Branch continue to upload data from ACES to AFS on a monthly basis. The branch also directly inputs HPVs into AFS as HPVs are identified or updated.
- ☐ d) Respond to complaints including those referred from U.S. EPA. Inspections are conducted where necessary.
- Status: Ongoing.** The Air Compliance and Enforcement Branch responded to 488 complaints for the period July 1, 2009, to June 30, 2010 and 469 complaints for the period July 1, 2010, to June 30, 2011. The branch and regional offices continue to respond to all complaints.
- ☐ e) IDEM will provide inspector and enforcement case development training to assigned staff. U.S. EPA will provide compliance and enforcement support and guidance and make training available to IDEM staff.
- Status: Ongoing.** Air compliance and enforcement managers participated in CARB 345 Enforcement Case Development and Resolution, CARB 335 Principles of Environmental Compliance and Enforcement, Control of Particulate Emissions - APTI #445, and participated on an U.S. EPA webinar titled "Impact of the Financial Crisis on Environmental Litigation." In addition, the Air Compliance and Enforcement Branch conducts periodic (every four-six weeks) enforcement round tables focusing on two-three enforcement topics and opening the meetings up for general enforcement questions and answers.
- ☐ f) Prepare enforcement cases according to IDEM's Compliance and Enforcement Response Nonrule Policy (CERP) and guidance, and U.S. EPA's Timely and Appropriate Enforcement Response to High Priority Violations Policy. IDEM will review findings and prepare enforcement cases according to the HPV Policy, IDEM CERP and guidance, and the IDEM Civil Penalty Nonrule Policy for noncompliance with statutes, rules or permits.
- Status: Ongoing.** The CERP became effective on October 02, 2009. The Air Compliance and Enforcement Branch continue to review and follow IDEM's guidance and HPV criteria to prepare enforcement cases and follow-up as appropriate. Violations are referred for enforcement consistent with the CERP and U.S. EPA's Timely and Appropriate Enforcement Response to High Priority Violations Policy. A total of 37 notices of violation have been signed for the period July 1, 2009, to June 30, 2010. A total of 46 agreed orders have been adopted during the same period. A total of fifty-three (53) notices of violation have been signed for the period July 1, 2010, to June 30, 2011. A total of fifty-two (52) agreed orders have been adopted during the same period. The branch continues to review findings and prepares enforcement cases according to the HPV Policy and the Civil Penalty Policy.
- ☐ g) Participate in enforcement/settlement negotiation conferences and follow-up on the requirements of IDEM's agreed and/or commissioners orders.
- Status: Ongoing.** Compliance and enforcement managers in the branch continue to conduct pre-notice of violation meetings, settlement conferences, and follow-up on agreed orders.

- ☐ h) Participate in monthly compliance and enforcement calls with U.S.EPA to discuss program planning, program progress, compliance and enforcement issues, and HPV issues.
Status: Ongoing. The Air Compliance and Enforcement Branch hold monthly compliance and enforcement calls with U.S. EPA R5 Air Enforcement and Compliance Assurance Branch.
- ☐ i) Implement the Clean Air Interstate Rule (CAIR) Annual Trading Program.
Status: Complete. Starting in January 2012, CAIR will no longer exist. It will be replaced by the Cross-State Air Pollution Rule (CSAPR).
 November 2009 - CAIR Compliance Supplement Pool (CSP) determinations were distributed. This was a onetime deal and will not occur in any other year.
 March 2010 - CAIR 2009 EE/RE Ozone Season and 2009 EE/RE Annual Control Period allowances distributed to the sources.
 October 2010 – Completed the allowance calculations for Electric Generating Units (EGUs) for the years 2015 – 2021, in anticipation that CAIR would be extended through that time period, if the Transport Rule (now Cross-State Air Pollution Rule) did not take effect as planned.
 November 2010 – Letters sent out and allowances distributed for the New EGU Allowance Requests.
 November 2010 - New EGU Ozone Season and Annual Control Period Redistribution letters were sent out and allowances were redistributed to the Non EGUs,
 December 2010 – Letters sent out and allowances were distributed for the 2010 EE/RE Ozone Season.
 December 2010 – Leftover allowances were redistributed to the Non EGUs from three accounts: The New Non-EGU Holding Account, the Hardship Account and the EE/RE Ozone Season Account.
 December 2010 – One half of the leftover EE/RE Ozone Season allowances were awarded to the Indiana State Office of Energy Development as per Indiana agreement.
 March 2011 – Letters sent out and allowances distributed for 2010 EE/RE Annual Control Period.
 July 2011 – Letters went out confirming the allowance reservations for the 2011 EE/RE Ozone Season and 2011 Annual Control Period.

Compliance Monitoring Strategy (CMS) for Asbestos

A-6

Contact(s): Phil Perry & Dan Stamatkin

USEPA Contact(s): Brent Marable

Due Date: June 30, 2011

USEPA Role: Review delegation authority to implement and enforce the 40 CFR, Part 61, National Emission Standards for Asbestos. Work closely with OAQ staff to ensure any issues are raised and satisfactorily addressed.

Develop and implement a CMS plan for asbestos inspections and compliance evaluation of asbestos notifications, licensed asbestos contractors, and stationary asbestos sources.

- ☐ a) Develop and negotiate the CMS plan with U.S. EPA R5 by August 31, 2009, and August 31, 2010. The CMS plan will target and prioritize asbestos inspections, utilize resources effectively, and make necessary policy adjustments as needed. Priorities include complaints, new contractors, contractors previously issued warnings, and violation letters/notice of violations (NOVs), and schools.

Status: Complete. The FY10 CMS was developed and submitted to U.S. EPA on August 27, 2009, and the FY11 CMS was developed and submitted to U.S. EPA on August 19, 2010.

- ☐ b) Implement an annual CMS plan for inspections of licensed asbestos contractors.
Status: Ongoing. A total of 1,749 original notifications (projects) were received from July 1, 2009, to June 30, 2010. A total of 558 inspections were conducted during the same period. A total of 1,988 original notifications (projects) were received from July 1, 2010, to June 30, 2011. A total of 491 inspections were conducted during the same period.
- ☐ c) Respond to asbestos complaints including those referred from U.S. EPA.
Status: Ongoing. The Air Compliance and Enforcement Branch responded to 59 asbestos complaints for the period July 1, 2009, to June 30, 2010 and 38 asbestos complaints for the period July 1, 2010, to June 30, 2011. The branch and regional offices continue to respond to all complaints.
- ☐ d) Submit annual reports to U.S. EPA on asbestos demolition/renovation notifications submitted by the owner/operator, compliance evaluations conducted, and enforcement actions initiated by IDEM. The report will be submitted alphabetically by owner/operator and includes the numbers of asbestos demolition/renovation notifications received, warning letters, NOV's, referrals, agreed orders, State Court Orders/Decrees, and penalties assessed.
Status: Complete. The FY09 yearend report for the Asbestos Program was submitted to U.S. EPA R5 on August 28, 2009, and the FY10 yearend report was submitted on October 27, 2010.

Air Monitoring Branch

Conduct Ambient Air Quality Monitoring Throughout Indiana

A-7

IDEM Contact(s): Richard Zeiler & Steve Lengerich

USEPA Contact(s): Loretta Lehrman & Michael Compher

Due Date: Ongoing.

USEPA Role: Regulatory advice, funding and review.

- ☐ a) Operate monitors for National Ambient Air Quality Standards (NAAQS) pollutants, PM_{2.5} speciation, and Photochemical Assessment Monitoring Stations (PAMS) according to 40 CFR 58, approved monitoring plans and the quality management plan/quality assurance project plans (QMP/QAPPS).
Status: Ongoing. IDEM will continue to operate the air quality monitoring networks approved by U.S. EPA listed in the Indiana 2012 Ambient Air Monitoring Network Plan.
- ☐ b) Submit annual network plan required by 40 CFR 58.10 by July 1 of the prior year, unless another schedule has been approved by U.S. EPA R5.
Status: Complete. IDEM has submitted the annual Indiana 2012 Ambient Air Monitoring Network Plan by July 1, 2011. The plan was submitted electronically to USEPA on June 30, 2011.
- ☐ c) Improve certification lab operation by the continued use of the most current lab standards, and continued use of state-of-the-art techniques to produce the most accurate certifications possible.
Status: Ongoing. Lab standards are replaced on or before the ending certificate date.
- ☐ d) Investigate new analytical methods of testing through new equipment.
Status: Ongoing. The lab is constantly researching new instruments and methods available.
- ☐ e) Ensure adequate, independent QA audits of NAAQS monitors.
Status: Ongoing. Independent audits are conducted on NAAQS monitors every two weeks.
- ☐ f) Conduct precursor gases monitoring for PM_{2.5} and submit data to the Air Quality System (AQS).
Status: Ongoing. Trace level precursor gases are monitored in Indianapolis.

- ☐ g) Conduct aethalometer monitoring.

Status: Ongoing. IDEM is currently operating three continuous aethalometer monitoring sites in Indiana. Monitors are located in Evansville, Indianapolis, and Gary.

- ☐ h) Operate, evaluate, and improve monitoring procedures and data reporting of the PAMS monitoring in Northwest Indiana.

Status: Ongoing. IDEM continues to operate the Gary IITRI PAMS Type-2 site.

- ☐ i) Assist in the changeover to Interagency Monitoring of Protected Visual Environmental (IMPROVE)-style carbon samplers at PM_{2.5} speciation trends and supplemental sites.

Status: Complete. All eight speciation sites in Indiana have been converted to the URG, IMPROVE-style carbon sampler.

- ☐ j) Rollout monitoring requirements for the revised Lead (Pb) Standard.

IDEM is required to establish monitoring at six large lead-emitting industrial facilities. Source-orientated sampling will be completed by January 1, 2010.

- Three population-orientated monitors will be completed by January 1, 2011.
- These requirements are pending the possible issuance of a waiver for source-oriented monitoring by U.S. EPA R5.

Status: Complete. IDEM established four new sites for large lead-emitting sources and approved waivers addressing the other two sources. The sites were operational by January 1, 2010. The population based required monitors are also operational well before the January 1, 2011, deadline.

Monitor for Air Toxics

A-8

IDEM Contact(s): Steve Lengerich, Balvant Patel & Brian Wolff

USEPA Contact(s): Loretta Lehrman, Motria Caudill & Carl Nash

Due Date: Ongoing.

USEPA Role: Risk assessment and data analysis advice, special grant funding and review. Collaborate with IDEM as appropriate to evaluate and mitigate localized air toxics.

Conduct effective non-criteria pollutant monitoring.

- ☐ a) Maintain Indiana Air Toxic Monitoring Program.

Status: Ongoing. IDEM continues to operate ten air toxic monitoring sites.

- ☐ b) Conduct toxics monitoring at Whiting High School in Whiting.

Status: Ongoing. This special study site is used as a teaching tool for the Science Department.

- ☐ c) Conduct RadNet monitoring in Indianapolis.

Status: Ongoing. IDEM assumed the operation of the Indianapolis RadNet monitoring site on April 1, 2009. This site was previously operated by the Indianapolis Office of Environmental Services.

- ☐ d) IDEM and U.S. EPA will continue to collaborate in the evaluation of localized air toxics data as warranted. Assessments shall include a determination of visible pollution prevention measures to assist in mitigation as appropriate.

Status: Ongoing. All data is analyzed by IDEM, Lake Michigan Air Directors Consortium (LADCO), and U.S. EPA.

Make Air Monitoring Information Publicly Available

A-9

IDEM Contact(s): Steve Lengerich

USEPA Contact(s): Loretta Lehrman & Pat Schraufnagel

Due Date: Ongoing.

USEPA Role: Advise, funding and review.

Assess and modify Indiana's air monitoring program and make monitoring information available to the public.

- ☐ a) Perform a quality assurance (QA) network evaluation.

Status: Ongoing. All networks are evaluated on an annual basis.

- ☐ b) Work with LADCO and U.S. EPA R5 to implement a Regional Monitoring Strategy.
Status: Ongoing. IDEM coordinated with the five year network assessment.
- ☐ c) Begin the first five year cycle network assessment required by July 1, 2010.
Status: Complete. IDEM and LADCO submitted the five year assessment to U.S. EPA by July 1, 2010. The five year assessment was submitted on June 30, 2010.
- ☐ d) Conduct data analysis to determine improvement, degradation, etc. of air quality (including at identified schools).
Status: Ongoing. Assessments are ongoing by various programs in IDEM.
- ☐ e) Perform annual industry evaluations (systems audit).
Status: Ongoing. Audits are performed annually on industrial network systems.
- ☐ f) Review and update OAQ Quality Assurance Manual.
Status: Complete. The entire manual was reviewed and updated on December 31, 2009.
- ☐ g) Submit National Ambient Air Quality Standards (NAAQS) pollutant data, Photo-chemical Analytical Monitoring Stations (PAMS) and QA data to Air Quality Standard (AQS) according to schedule in 40 CFR 58.
Status: Complete. All ambient air quality data was submitted to the AQS in compliance with established timeframes.
- ☐ h) Produce daily and hourly ozone and PM_{2.5} data and maps to be posted on the Internet as per U.S. EPA Ozone and PM_{2.5} Mapping Projects.
Status: Ongoing. IDEM submits hourly ozone and fine particulate data to AirNow for the national mapping and forecasting program.
- ☐ i) Maintain air quality index (AQI) reporting in designated cities.
Status: Ongoing. Hourly updates for AQI are provided through the LEADS® Internet based air quality display system.
- ☐ j) Certify NAAQS pollutant data in AQS and provide supporting documentation by the schedule in 40 CFR 58.
Status: Ongoing. All air quality data submitted to AQS are certified in accordance with U.S. EPA established timeframes.
- ☐ k) Ozone, PM_{2.5} and meteorological data should be submitted to AIRNOW.
Status: Ongoing. Ozone, fine particulate and meteorological hourly data are supplied to AirNow.

Leading Environmental Analysis and Display System (LEADS®)

A-10

IDEM Contact(s): Steve Lengerich

USEPA Contact(s): Loretta Lehrman & Michael Compher

Due Date: Ongoing.

USEPA Role: Advise, funding and review.

Collect real-time air quality information using LEADS®.

- ☐ a) Reconfigure continuous monitoring sites to install automatic calibration equipment.
Status: Complete. All existing IDEM continuous air quality monitoring sites have been converted to the LEADS® system.
- ☐ b) Deploy LEADS® at all continuous monitoring site locations.
Status: Ongoing. Fifty-nine active sites have been deployed and four additional sites will be added during 2010.
- ☐ c) Provide current data from all active continuous monitoring sites to the public via the agency website.
Status: Complete. All active continuous air quality monitoring sites are reporting data to the agency website.

- ☐ d) Provide past data from active continuous monitoring sites and past data from recently discontinued sites.
Status: Complete. All active continuous air quality monitoring sites have been archived with the last 10 years of air quality data.

Persistent Bioaccumulative Toxics Great Lakes Air Deposition

A-11

IDEM Contact(s): Brian Wolff

USEPA Contact(s): Erin Newman

Due Date: Ongoing

USEPA: Timely guidance, review and approval.

IDEM will undertake several activities to evaluate persistent bioaccumulative toxics (PBTs):

- ☐ a) IDEM will support emissions inventory work regarding PBTs.
Status: In progress. This was amended into the Performance Partnership Grant (PPG) per the letter dated June 3, 2010, from U.S. EPA.
- ☐ b) IDEM will use staff time to identify and quantify source types and emissions that contribute PBTs to lakes through atmospheric deposition.
Status: In progress. This was amended into the Performance Partnership Grant (PPG) per the letter dated June 3, 2010, from U.S. EPA.
- ☐ c) IDEM will analyze and interpret historic PBT monitoring information in Indiana.
Status: In progress. This was amended into the Performance Partnership Grant (PPG) per the letter dated June 3, 2010, from U.S. EPA.
- ☐ d) U.S. EPA will provide timely guidance, review, and approval.
Status: In progress. This was amended into the Performance Partnership Grant (PPG) per the letter dated June 3, 2010, from U.S. EPA.

Air Programs Branch

Ozone and PM_{2.5} Re-designation Petitions and Maintenance Plans

A-12

IDEM Contact(s): Scott Deloney

USEPA Contact(s): John Mooney

Due Date: Ongoing.

USEPA: Timely guidance, review and approval.

Perform and submit re-designation petitions and maintenance plans as applicable:

- ☐ a) Public comment period to commence within eight months of quality assurance/quality control (QA/QC) of monitoring data.
Status: Ongoing. OAQ noticed four petitions during the past year. Central Indiana PM_{2.5} was noticed in May of 2009, Dearborn County ozone in December 2009, and Louisville and Dearborn County PM_{2.5} in May 2010. These were the only areas eligible this period and all petitions were noticed within the timeline.
- ☐ b) Final submittal to U.S. EPA to be made within 10 months of QA/QC of monitoring data.
Status: Ongoing. The Central Indiana PM_{2.5} Petition was submitted in final form in October 2009 and the Dearborn County Ozone Petition was submitted final in January 2010. All submissions made according to the timeline.
- ☐ c) U.S. EPA will provide timely guidance, review and approval.
Status: Ongoing. U.S. EPA has approved all ozone re-designation petitions submitted by Indiana to date. However, no re-designations have been processed by U.S. EPA for PM_{2.5} to date due to the uncertainty of the Clean Air Interstate Rule (CAIR). U.S. EPA R5 is coordinating with headquarters to identify a solution.

Preliminary Designation Recommendations for Lead

A-13

IDEM Contact(s): Ken Ritter

USEPA Contact(s): Motria Caudill

Due Date: See below.

USEPA Role: Timely guidance, review and approval.

Conduct analysis, develop and submit designation recommendations to U.S. EPA concerning lead standard.

- ☐ a) Provide initial recommendations by October 2009.

- September 2009 ready for senior management review.

Status: Complete. Designation recommendations were prepared and submitted on October 7, 2009.

Regional Haze State Implementation Plans (SIP)

A-14

IDEM Contact(s): Ken Ritter & Chris Pederson

USEPA Contact(s): John Mooney & John Summerhays

Due Date: See below.

USEPA Role: Timely guidance.

The following timetable is driven by Indiana's rulemaking process to establish BART limits by rule. The milestone deadlines are relatively aggressive and result in a preliminary submittal of a Regional Haze SIP to U.S. EPA in conjunction with the sanction clock lapsing in January 2010.

- ☐ a) First notice for BART limits and Warrick County Sulfur Dioxide (SO₂) SIP modification.

- June 2009.

Status: Complete. The first notice published in June 2009.

- ☐ b) Approval of BART submittal(s).

- August 2009.
- July - September 2009 submit to U.S. EPA for informal review.

Status: Complete. All BART submittals were provided to U.S. EPA and the federal land managers (FLMs) during the month of September for informal advance review and comment.

- ☐ c) Second notice for BART limits and Warrick County SO₂ SIP.

- September - October 2009.

Status: Complete.

- ☐ d) Preliminary approval for BART limits and Warrick County SO₂ SIP.

- January 2010.
- IDEM will share technical analysis for Alcoa with U.S. EPA and the FLMs by August 2009.

Status: Complete.

- ☐ e) Final adoption of BART limits and Warrick County SO₂ SIP.

- March 2010.

Status: Complete.

- ☐ f) Public comment period for Regional Haze (RH) SIP, including BART rule:

- February 2010 send draft RH SIP to FLMs for their 60 day mandatory comment period.
- February 2010 make available to U.S. EPA for review.
- March 2010 initiate RH SIP public comment period.
- April 2010 hold public hearing on SIP with FLM responses.

Status: Complete.

- ☐ g) Submit RH SIP, including complete BART rule.

- June 2010 - IDEM senior management review.
- August 2010 - Final submittal to U.S. EPA January 15, 2011.

Status: Complete.

NOTE: If U.S. EPA concludes that BART must be analyzed and adopted for electrical generating units (EGUs), Indiana will address this requirement under a separate schedule.

Article 2 Revisions**A-15**

IDEM Contact(s): Scott Deloney

USEPA Contact(s): Pamela Blakley

Due Date: See below.

USEPA Role: Timely guidance, review and approval.

- ☐ a) IDEM requested U.S. EPA R5 involvement in the Article 2 revision effort.

Status: Ongoing. IDEM and U.S. EPA R5 are currently in discussions to reach a resolution.

Land Quality

Resource Conservation Recovery Act (RCRA) Corrective Action**L-1**

IDEM Contact(s): Vic Windle & Mike Sickels

USEPA Contact(s): Hak Cho

Due Date: June 30, 2010 & June 30, 2011

USEPA Role: Contractor support for sampling and risk review at selected sites.

Meet the requirements of the Resource Conservation and Recovery Act (RCRA) Government Performance and Results Act (GPRA).

- ☐ a) IDEM will work with U.S. EPA to finalize the lead assignments for obtaining the 2020 Universe GPRA Environmental Indicators and establish reasonable deadlines for specific facilities. IDEM will issue permits, orders and voluntary agreements that will help achieve U.S. EPA's 2020 GPRA goals.

Status: Complete.

- ☐ b) IDEM will review all state lead facilities in the 2020 Universe to identify if any CA725, CA750 and CA550 performance measures have already been met and see that the information is reflected in the RCRAInfo database by September 30, 2010.

Status: Complete.

- ☐ c) For the 2020 Universe facilities IDEM will achieve the following GPRA correction action goals by September 30, 2011: 72% of the CA725, 64% for the CA750 and 38% for CA550.

Status: Complete. Note: These reflect the new goals provided by U.S. EPA R5.

- ☐ d) IDEM will work with U.S. EPA to establish specific goals for the land revitalization initiative.

Status: Ongoing. IDEM will work with USEPA to establish specific goals. No proposals have been made to date.

Hazardous Waste Permitting and Post-Closure**L-2**

IDEM Contact(s): Vic Windle

USEPA Contact(s): Laura Lodisio

Due Date: June 30, 2010 & June 30, 2011

USEPA Role: Provide program assistance.

Complete hazardous waste facility permitting actions in accordance with U.S. EPA Government Performance and Results Act (GPRA) goals. Priority will be given to permit application submittals that are subject to Indiana's permit accountability statute.

- ☐ a) Issue permit renewals to 100% of the baseline facilities by September 30, 2011.

Status: Complete.

- ☐ b) Bring 98% of the baseline facilities "under control" (permit or order) by September 30, 2011.

Status: Complete.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Inspections of Generators L-3

IDEM Contact(s): John Crawford

USEPA Contact(s): Lorna Jereza

Due Date: July 1, 2009-June 30, 2011

USEPA Role: Conduct inspections at, at least six large quantity generators (LQGs).

Annually, IDEM will inspect generators identified in the RCRAInfo database.

- ☐ a) At least 20% of the large quantity generator (LQG) universe that exists as of June 1 of that respective year will be inspected.

Status: Complete. At least 20% of the LQG universe was inspected for FY10 and FY11.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Inspections of Treatment, Storage and Disposal Facilities (TSDs) L-4

IDEM Contact(s): Theresa Bordenkecher

USEPA Contact(s): Lorna Jereza

Due Date: July 1, 2009-June 30, 2011

USEPA Role: USEPA R5 will independently inspect the boiler and industrial furnace units at five TSDs every other year, and inspect two additional operating TSDs for all permit requirements for each year. USEPA will perform annual inspections at all operating TSDs owned or operated by state and local governments.

- ☐ a) Each fiscal year, IDEM will inspect 50% of all TSDs with a current operating permit for active permitted units.

Status: Ongoing. As of June 30, 2011, IDEM had inspected at least 50% of all active TSDs with current operating permits. Specifically, IDEM has inspected 17 of the 18 TSDs with current operating permits. This represents 89% of the facilities.

- ☐ b) IDEM will perform inspections annually at operating TSDs owned or operated by the federal government.

Status: Ongoing. As of June 30, 2011, the federal TSD had been inspected.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Enforcement L-5

IDEM Contact(s): Nancy Johnston

USEPA Contact(s): Lorna M. Jereza

Due Date: July 1, 2009-June 30, 2011

USEPA Role: Issue enforcement responses to RCRA violations detected by USEPA, or referred to USEPA by IDEM, in accordance with USEPA's 2003 Hazardous Waste Civil Enforcement Response Policy, USEPA's RCRA Civil Penalty Policy and relevant USEPA enforcement strategies.

- ☐ a) Issue enforcement responses to RCRA violations in accordance with IDEM's enforcement response strategy and U.S. EPA's 2003 Hazardous Waste Civil Enforcement Response Policy.

Status: Ongoing. The Enforcement Section totals for the fiscal year from July 1, 2009, through June 30, 2010, were 21 informal actions, 23 agreed orders, one commissioner's order and four referrals to the Office of the Indiana Attorney General. Seventeen significant noncompliance determinations were made. The Enforcement Section totals for the fiscal year from July 1, 2010, through June 30, 2011, were 39 informal actions, 25 agreed orders, one commissioner's order, one referral to U.S. EPA, and four referrals to the Office of the Indiana Attorney General. Seventeen new significant noncompliance determinations were made during the fiscal year and there are currently a total of 23 significant noncompliance determinations. In addition, the Enforcement Section does actions for non-PPG related activities including solid waste processing, solid waste disposal, waste tires, septage, confined feeding, auto salvage, open dumps, industrial waste, and spills were investigated by emergency response.

Polychlorinated Biphenyl (PCB) Inspections L-6

IDEM Contact(s): John Crawford

USEPA Contact(s): Kendall Moore

Due Date: July 1, 2009-June 30, 2011

USEPA Role: Review IDEM's PCB inspection reports and, if necessary, issue the appropriate enforcement response.

- ☐ a) Basic PCB screenings will be incorporated into generator and complaint inspections where appropriate.

Status: Complete. Screening checklists have been incorporated into inspection forms. For FY10, approximately 150 screenings were conducted.

- ☐ b) Conduct 24 PCB inspections for FY10 and 24 PCB inspections for FY11.

Status: Complete. IDEM completed 24 inspections for FY10 and 24 in FY11.

- ☐ c) Participate in U.S. EPA's current tablet computer and electronic inspection pilot program.

Status: Ongoing. Inspectors are utilizing tablet computers and U.S. EPA provided software. IDEM is also utilizing GPS navigational tools and an IDEM developed digital inspector program.

- ☐ d) Continue to oversee PCB cleanups and provide technical assistance to the regulated community.

Status: Ongoing. Staff is currently working on numerous (>10) ongoing PCB characterization/cleanup projects. A complete list is available upon request.

Resource Conservation Recovery Act (RCRA) RCRAInfo

L-7

IDEM Contact(s): Greg Overtom

USEPA Contact(s): Jane Ratcliffe

Due Date: Monthly

USEPA Role: Provide program assistance.

Resource Conservation and Recovery Act (RCRA) information will be input into the RCRAInfo database on a monthly basis.

- ☐ a) IDEM will migrate the Indiana RCRA Activities Tracking System (IRATS) into the agency's Environmental Information System (EIS), IDEM's agency-wide database. IRATS migration into the EIS is tentatively scheduled for the second half of 2009. Once fully integrated the EIS will be used to track all RCRA related regulatory activities and IRATS will be decommissioned. The handler data flow from IRATS to RCRAInfo via IDEM's National Environmental Information Exchange Network (NEIEN) node developed in 2005-2007 will be modified to use the EIS data rather than IRATS.

Status: In Progress. The migration of IRATS to the agency EIS is currently scheduled to be worked on during the next EnPPA cycle from June 2012 to March 2013.

- ☐ b) IDEM will develop field-based electronic forms for collecting RCRA compliance inspection information and synchronizing that information to IRATS and EIS once the integration is complete.

Status: In Progress. IDEM staff have developed draft field-based electronic forms and are currently testing them in the field. The forms were developed in IDEM's Digital Inspector software and are filled out in the field using laptops and tablet PCs. IDEM is currently scheduled to work on the integration of the Digital Inspector application with the agency's EIS during the next EnPPA cycle from June 2012 to March 2013.

Rule Development

L-8

IDEM Contact(s): Mike Dalton

USEPA Contact(s): Gary Westefer

Due Date: FY09 – FY11

USEPA Role: Many rule updates are promulgated by USEPA and IDEM mutually agreed upon time frames. Regarding the Research, Development and Demonstration Rule (RDD), USEPA will provide assistance where applicable.

Develop equivalent legislation, regulations and program revision applications for RCRA and hazardous and solid waste amendments (HSWA) / non-HSWA provisions for which the state is prepared to seek authorization and submit current and future authorization packages within a mutually agreed upon time frame.

- ☐ a) IDEM will promulgate and pursue authorization for all RCRA Subtitle C annually and Subtitle I rules as needed.

Status: Ongoing. The 2011 Annual update was preliminary adopted in September 2011. ARA 21 containing the 2003 and 2005 annual updates was submitted on February 28, 2007, and is under review by ORC. ARA 22 containing boilers and industrial furnaces was submitted on May 1, 2009, and is also under review by ORC. ARA 23 containing rules regarding disposal of laboratory wastes is currently undergoing review by the Office of the Indiana Attorney General and will be submitted when completed.

Confined Animal Feeding Operations (CAFO) Inspections

L-9

IDEM Contact(s): Charles Grady & Mike Dunn USEPA Contact(s): Steve Jann & Pat Kuefler Due Date: 2009 - 2011

USEPA Role: Provide training on conducting CAFO inspections to IDEM staff, as requested. USEPA R5 will be lead on enforcement where there is non-compliance with existing federal orders or where non-compliance is documented through a federal lead inspection.

- ☐ a) Conduct compliance inspections at 20% of all CAFOs each fiscal year. This performance expectation can stay the same for the 2009-2011 EnPPA.

Status: Complete. IDEM inspected 20% of its CAFOs in FY11; 167 inspections were conducted from a universe of 635 CAFOs. The CMS commitment for CAFOs inspections includes 142 permitted and 25 unpermitted (exempt) CAFOs.

- ☐ b) Issue NPDES permits to all CAFOs.

Status: Ongoing. As of July 1, 2011, 520 of 628 CAFOs within Indiana have been issued NPDES CAFO permits. The remainder of the large CAFOs, 108 facilities, are currently covered by approvals issued under Indiana's Confined Feeding Operations (CFO) rule. IDEM is currently updating both the NPDES CAFO rule and CFO rule for Indiana. The updated NPDES CAFO rule will incorporate the updated requirements which became effective December 22, 2008, and reflect the U.S. Court of Appeals for the Fifth Circuit decision in *National Pork Producers Council v. U.S. EPA* issued March 15, 2011, regarding litigation over U.S. EPA's 2008 amendments to Clean Water Act permit regulations for CAFOs. Upon the effective date of the revised Indiana CAFO rule, IDEM expects the vast majority of currently NPDES permitted CAFOs to exit the NPDES CAFO permitting program and enter the state CFO program. Additionally, all other large CAFOs currently not covered by a NPDES CAFO permit will not be expected to seek such a permit, absent a discharge, but remain in the state CFO program.

Water Quality

Impaired Waters List and Water Quality Report

W-1

Contact(s): a) Marylou Renshaw & Andrew Pelloso b) Marylou Renshaw, Cyndi Wagner & Lee Bridges USEPA Contact(s): a) Kevin Pierard & Jonathan Burian, b) Linda Holst, Ed Hammer & Mari Nord Due Date: a) April 1, 2010 & June 30, 2011 b) December 31, 2009 & December 31, 2010

USEPA Role: a) Timely review and comment on materials submitted. Provide guidance on report/list development. Provide continued support and guidance on the use of the Assessment Database. b) Provide assistance in analyzing and reporting probabilistic information; provide assistance in combining probability monitoring with other monitoring designs.

- ☐ a) Use the Assessment Database (ADB) to submit the Integrated Report (IR), including 303(d) list of impaired waters by established deadlines for all relevant information. Complete quality assurance of information in ADB to ensure consistency with 303(d) list and other IR categories. Provide additional IR information (e.g., assessment methodology, GIS files) in other appropriate formats as required by the IR Guidance (U.S. EPA PAM WQ-7).

Status: In progress. Due to comments received on the public noticed draft list, IDEM did not turn in the 2010 IR by the April, 1 deadline. IDEM submitted its Integrated Report, including its finalized 2010 303(d) list to U.S. EPA on November 16, 2010. Submission materials included additional information to facilitate U.S. EPA review: a copy of the ADB

for the 2010 cycle, associated GIS files, and the 2010 cycle Consolidated Assessment and Listing Methodology (CALM). IDEM received and is currently working on its response to U.S. EPA's comments on the finalized 303(d) list, dated June 30, 2011. IDEM continues to work on the quality assurance of the ADB and 303(d) list consistency issues as resources allow. IDEM recently completed an Exchange Network Grant project to develop an exchange node to flow IR data through the network directly to U.S. EPA headquarters, which will facilitate more timely review by U.S. EPA for inclusion of Indiana's IR data into national databases. IDEM has also been in communication with staff at U.S. EPA Headquarters and R5 to explore the use of the ADB's cycle tracking features to automate 303(d) list development and to provide additional information regarding the scope of ADB QA/QC work necessary to facilitate this approach.

- ☐ b) Monitor waters, utilizing the probabilistic monitoring design to provide sufficient data to adequately assess the status of Indiana's surface water quality, following the schedule identified in the IDEM Monitoring Strategy. During the current sampling season (summer 2009) IDEM will sample a minimum of 38 sites each in the Kankakee and Lower Wabash basins (76 total). Next sampling season (summer 2010) IDEM will sample a minimum of 38 sites each in the Ohio River and Great Lakes tributaries (76 total). (U.S. EPA PAM WQ-5)

Status: Complete. Summer 2009 probabilistic sampling was completed: IDEM successfully sampled 38 probabilistic sites in the Kankakee River Basin and 38 probabilistic sites in the Lower Wabash River Basin. For 2010, all 76 probabilistic sites were completed for the Ohio River Tributaries and Great Lakes Basin Tributaries. There were 72 fish tissue samples from 13 sites collected by IDEM (nine sites/53 samples) and Indiana Department of Natural Resources (IDNR) (four sites/19 samples during 2010 from Lake Michigan, its tributaries, Pigeon Creek (tributary of Ohio River) and several inland reservoirs). These were submitted to the laboratory for analysis.

Total Maximum Daily Loads (TMDLs)			W-2
Contact(s): a) & c) Marylou Renshaw & Andrew Peloso b) Marylou Renshaw, Cyndi Wagner & Lee Bridges	USEPA Contact(s): a) Kevin Pierard b) Linda Holst, Dean Maraldo & Ed Hammer	Due Date: a) October 1, 2009 & October 1, 2010 b) December 31, 2009 & December 31, 2010	
USEPA Role: a) Timely review and comment, and contractor assistance, b) Provide guidance/other information on identifying causes/sources of impairment.			

- ☐ a) Total maximum daily loads (TMDLs) on waterbody segments –90 TMDLs will be developed during 2009 with the number for 2010 to be determined (U.S. EPA PAM WQ-8b).

Status: Complete In FY09, IDEM submitted a total of 102 impairment/segment TMDLs. The West Fork of Whitewater River Watershed TMDL for *E. coli* was approved on April 2, 2009, and counted for 22 TMDLs. The Kankakee-Iroquois River Watershed TMDL for *E. coli* was approved on September 29, 2009, and counted for 80 TMDLs. In FY10, IDEM submitted a total of 85 impairment/segment TMDLs to U.S. EPA, which were approved, exceeding the commitment of 70 TMDLs that was agreed to by IDEM and U.S. EPA. The Galena River Watershed TMDL for *E. coli* was approved on September 20, 2010, and counted for eight TMDLs. The Upper Wildcat, Middle Wildcat, and Lower Wildcat Creek Watershed TMDLs for *E. coli* were approved on September 24, 2010, and counted for a total of 77 TMDLs. In FY11, IDEM is currently working the following TMDLs with the intent of turning these reports in for approval no later than September 1, 2011:

- In Southern Indiana, the Pigeon/Highland Watershed TMDL for nutrients and *E. coli*;
- In Northeast Indiana, the Pigeon River Watershed TMDL for nutrients and *E. coli*; and
- In East-Central Indiana, the Cicero Creek Watershed and the Upper White River Watershed.

- ☐ b) Extent of Impairment/Source Identification Studies - Monitor waters to provide information on sources and causes of impairments for use in the development of total TMDLs and/or watershed plans. Depending on resources and following the plans outlined in the IDEM Monitoring Strategy, IDEM will do one to ten studies per sampling season. (U.S. EPA PAM WQ-5)

Status: Complete. In 2009, IDEM completed seven source ID studies for Benward Ditch, Johnson Drain, Johnson Ditch, Upper Blue/Blue River, Gangwer Ditch, Maynard Ditch, and Castleman Ditch. Also, *E. coli* sampling for TMDL development purposes was done in five watersheds and IDEM also collected microbiological samples during the non-recreational season from tributaries of the Ohio River at the request of the TMDL program and ORSANCO. No source identification studies were conducted in 2010 due to reduced human and financial resources; however, *E. coli* sampling for TMDL development purposes was done in the Big Raccoon Creek, Clifty Creek, Eel River, Big Blue River, and East Fork white River watersheds.

Wetland and Stream Impacts

W-3

Contact(s): Martha Clark Mettler, Randy Braun & Mary Hollingsworth

USEPA Contact(s): Kevin Pierard

Due Date: a) Ongoing, b) October 1, 2011

USEPA Role: Provide program assistance.

- ☐ a) Review applications and issue appropriate permits for wetland and stream impacts.

Status: Ongoing. For the reporting period, the 401 Wetlands project managers reviewed and processed a number of applications/permits. The applications included both regional general permit and individual permit applications. Staff is required to expedite the processing of applications while maintaining a high level of quality assurance and technical review. By statute, individual permit applications must be processed within 120 days (the program goal is to process each within 90 days). Regional general permit applications must be processed within 30 days. Staff has exceeded the internal program goals processing applications below the established days for applications in all quarters. The breakdown by quarter is as follows:

- July 1 – September 30, 2009 Quarter: 147 applications processed at an average of 32 days in comparison to the average target days of 56.
- October 1 – December 31, 2009 Quarter: 145 applications processed at an average of 32 days in comparison to the average target days of 66.
- January 1 – March 31, 2010 Quarter: 124 applications processed at an average of 30 days in comparison to the average target days of 77.
- April 1 – June 30, 2010 Quarter: 112 applications processed at an average of 28 days in comparison to the average target days of 55.
- July 1, 2010 – June 30, 2011: During the annual reporting period 649 applications were processed at an average of 36 days in comparison to the average target days of 66.

Office of Water Quality (OWQ) Permits

W-4

Contact(s): a) Paul Higginbotham & Jerry Dittmer b) Paul Higginbotham c) Martha Clark Mettler, Randy Braun & Mary Hollingsworth

USEPA Contact(s): a) Peter Swenson b) Peter Swenson c) Brian Bell

Due Date: See below c) Ongoing

USEPA Role: Provide timely review, technical assistance and comment and identify issues at an early stage in the process.

- ☐ a) Municipal National Pollutant Discharge Elimination System (NPDES) Permits – Issue 95% of all identified priority backlogged NPDES permits, issue new permits within statutory timeframes.

- Issue municipal priority permits within requested timeframes.

Status: Ongoing. IDEM committed to reissuing (or terminating) 10 permits (both municipal and industrial combined) on the priority permit list for FY10. IDEM reissued 32 and terminated three of the municipal-type permits on the FY10 list. Additionally, IDEM committed to reissuing (or terminating) 11 permits (both municipal and industrial combined) on the priority permit list for FY11. As of July 1, 2011, IDEM had issued 17 of the municipal-type priority permits on the FY11 list.

- Maintain the backlog of municipal permits at 10% or less.

Status: Ongoing. IDEM's current backlog of municipal permits as of July 1, 2011, is a low 0.24%.

- Issue new municipal NPDES permits within statutory timeframes.

Status: Ongoing. IDEM continues to issue new municipal NPDES permits within statutory timeframes.

- ☐ b) Industrial NPDES permits – Issue 95% of all identified priority backlogged NPDES permits, issue new permits within statutory timeframes.

- Issue industrial priority permits within requested timeframes.

Status: Ongoing. IDEM committed to reissuing (or terminating) 10 NPDES permits (both municipal and industrial combined) on the priority permit list for FY10. IDEM reissued 11 and terminated one of the industrial permits on the FY10 list. Additionally, IDEM committed to reissuing (or terminating) 11 permits (both municipal and industrial combined) on the priority permit list for FY11. As of July 1, 2011, IDEM had issued 14 and terminated one of the industrial-type priority permits on the FY11 list.

- Maintain the backlog of industrial permits to 10% or less.

Status: Ongoing. IDEM's current backlog of industrial permits as of July 1, 2011 is 1.43%.

- Issue new industrial NPDES permits within statutory timeframes.

Status: Ongoing. IDEM continues to issue new industrial NPDES permits within statutory timeframes.

- Re-issue all identified major industrial permits which have expired for more than 10 years by the end of calendar year, December 31, 2010.

Status: In progress. As of July 1, 2011, IDEM still had two NPDES permits which have been expired for more than 10 years. These are NPDES permits for steel mills for which IDEM has a schedule for renewing.

- Expedite final issuance of NPDES general permits.

Status: Ongoing. IDEM continues to issue NPDES general permits in a timely fashion.

- ☐ c) Storm water permits – Review applications and issue appropriate permits for construction, municipal and industrial discharges of storm water.

Status: Ongoing. The storm water program is comprised of three program areas, including construction site run-off, industrial storm water and municipal separate storm sewer systems (MS4s). The following general permits were issued by the program:

1. Construction site run-off (327 IAC 15-5 (Rule 5)):
 - July 1, 2009 to March 31, 2010: 963
 - April 1 to June 30, 2010: 330
 - July 1, 2010 to June 30, 2011: 1,814
2. Industrial storm water (327 IAC 15-6, Rule 6):
 - July 1, 2009 to March 31, 2010: 349
 - April 1 to June 30, 2010: 110

- July 1, 2010 to June 30, 2011: 329
- 3. MS4 entities: MS4 Phase II permits were not renewed within this time period. All permits were renewed from September to November of 2008. Current MS4 permits will not expire until 2013.

Compliance Monitoring Strategy (CMS) for Wet Weather Programs, Combined Sewer Overflow (CSO) Long Term Control Plans (LTCP), Sanitary Sewer Overflow (SSO) and Storm Water			W-5
Contact(s): a) & b) Paul Higginbotham & Jerry Dittmer, c), Debbie Dubenetzky, d), e) & g) Martha Clark Mettler, Randy Braun & Mary Hollingsworth, f) Randy Braun	USEPA Contact(s): Peter Swenson, Barbara VanTil & Patrick Kuefler	Due Date: See below.	
USEPA Role: USEPA will be the lead on certain environmentally significant CSO communities, working in partnership with IDEM to reach agreement on approvable long-term control plans and implementation schedules. USEPA will provide timely review and comment on technical non-rule policy and other documents submitted by IDEM and identify issues of concern at an early stage in the review process.			

Implement the state-specific CMS for National Wet Weather Priorities. CAFO inspections will be conducted by the Office of Land Quality (see L-9).

- ☐ a) IDEM will participate in the review and approval of the long term control plans and consent decree issues in combined sewer overflow (CSO) cases under federal lead, including Evansville, Jeffersonville, Gary, Hammond, Mishawaka, South Bend, Elkhart, and Anderson, and participate in monitoring federal consent decrees for Fort Wayne and Indianapolis.

Status: In progress. IDEM continues to coordinate with U.S. EPA and DOJ concerning the Consent Decrees and LTCPs for the remaining CSO communities that are federally led cases.

- ☐ b) IDEM addressed the remaining seven state led CSO communities by October 31, 2008, a year in advance of the original schedule of 2009. Currently 98 CSO cities, or 92% of the 107 Indiana CSO communities, have been addressed. The remaining nine are federally led and are under negotiation, per item a) above. After September 30, 2009, IDEM will begin LTCP compliance implementation which will include the following steps:

- Monitoring milestone dates in the LTCP through site visits, and review of documentation.
- Monitoring compliance with limits (as applicable) through review of submitted monitoring reports.
- Reviewing periodically the approved LTCPs.
- Setting meetings (as needed) with communities and their consultants on the status of the implementation of the LTCPs.
- Confirm, by September 30, 2009, the elimination of CSO outfalls within one mile or less of drinking water intakes.

Status: Ongoing. IDEM is continuing to monitor compliance of the state led CSO communities through a combination of on-site audits, ICIS data tracking and review of documentation submittals. IDEM has confirmed the elimination of all known CSO outfalls within one mile or less of drinking water intakes. IDEM has also been developing a segment of the agency's Enterprise Information System (EIS) database as an efficient and consistent management tool for tracking compliance with CSO communities LTCPs.

- ☐ c) Provide an update on the progress of the Indiana State SSO Strategy. There is no set inspection frequency or goal for SSO inspections. Inspections will be scheduled as needed, based on information about overflow occurrences.

Status: Ongoing. The Enforcement Section is currently the lead section in implementing the state's SSO strategy. SSO frequency and reporting is evaluated during most routine NPDES inspections conducted by wastewater inspectors statewide. Informal actions (inspection summary/violation letters) are issued for infrequent SSOs; while more frequent SSOs are referred to the Enforcement Section for formal action (notice of violation and Adopted Agreed Order).

- ☐ d) IDEM will administer storm water programs by processing permits and performing compliance inspections in the following areas: Construction/land disturbance, industrial and municipal separate storm sewer systems (MS4s).

- Construction/Land Disturbance (327 IAC 15-5): Inspect permitted construction sites and review storm water pollution prevention plans, giving highest importance to those projects for which the agency has received complaints.

Status: Ongoing. The highest priority for compliance is placed on field inspections. Inspections are prioritized with an emphasis on complaint sites, however inspections are also conducted based on geographic regions and high profile construction sites. Beginning in July of 2010, storm water staff placed a greater emphasis on the audit of MS4 construction site run-off programs. The number of active construction sites inspected:

- July 1, 2009, to March 31, 2010: 271 active construction sites.
- April 1 to June 30, 2010: 59
- July 1, 2010, to June 30, 2011: 289

Plan reviews have been deemed a lower priority. Plans are reviewed for adequacy and to ensure the plan meets the minimum requirements of the rule. The number of plans reviewed:

- July 1, 2009 to March 31, 2010: 152
- April 1 to June 30, 2010: 20
- July 1, 2010 – June 30, 2011: 119

- Municipal Separate Storm Sewer System (327 IAC 15-13): Inspections of Phase I MS4s should be conducted on an as needed basis, after October 2008 and before October 2012. By October 2014, conduct an appropriate combination of audits and inspections to determine compliance of Phase II MS4s.

Status: Ongoing. Audits are being conducted in phases to assess compliance and program status of each of Indiana's Phase II MS4 entities. The regional storm water specialists are conducting audits of the MS4 Construction Run-off Minimum Control Measure (MCM). The audit not only includes an overall assessment of this MCM, but also individual inspections of MS4 owned and operated projects for compliance with 327 IAC 15-5, Rule 5. Audits completed for the Construction MCM:

- July 1, 2009, to March 31, 2010: 21
- April 1 to June 30, 2010: 9
- July 1, 2010, to June 30, 2011: 43

The MS4 coordinator is conducting audits of the Public Education, Public Involvement, and Good Housekeeping MCMs. Audits completed for these three MCMs:

- July 1, 2009, to March 31, 2010: 10
- April 1 to June 30, 2010: 9
- July 1, 2010, to June 30, 2011: 48

The audit of the illicit discharge and post-construction run-off MCMs are tentatively planned to begin in 2012.

- Priority will be given to auditing or inspecting Phase II MS4s located in priority watersheds that contribute to CWA Section 303(d) or 305(b) listings, and at Phase II MS4s located near high quality waters that the state has designated for higher levels of protection to prevent degradation.

Status: Ongoing. Audits have been scheduled based on a geographic area. This approach has been chosen by staff to increase efficiency in completing the audits. However, during the reporting period of July 1, 2009, to April 1, 2010, audits did focus on many of the MS4s entities within Lake County, Porter County, and LaPorte County adjacent to Lake Michigan. Beginning in April through June 30, 2010, the audits were prioritized by each storm water specialist (Construction MCM) within their assigned regions and the MS4 coordinator conducted the majority of audits in Southwest Indiana and MS4 entities within the Ohio River Basin. Beginning in July of 2010, audits were prioritized by each storm water specialist within their assigned regions. The MS4 coordinator focused on the Northeast and Southern portion of the state.

- IDEM will evaluate and refine their audit standard operating procedure, and ascertain the time requirements in order to set annual audit goals up to October 2012.

Status: Ongoing. Refinement of the audit procedures has been a continuous process. As audits are completed, the process is evaluated and modifications made to ensure efficiency.

- Industrial Storm Water (327 IAC 15-6): Inspections will include operational facilities as well as facilities that have claimed an exemption, and/or facilities that have been subject of complaints. The OLQ Compliance Branch will conduct inspections.

Status: Ongoing. Inspections are prioritized based on complaints, but also other factors including those facilities that filed for an exemption under the rule. Inspections completed for industrial sites subject to 327 IAC 15-6:

- July 1, 2009, to April 1, 2010: 47
- April 1 to June 30, 2010: 13
- July 1, 2010, to June 30, 2011: 65

The OLQ administers the agency Auto Salvage Initiative and takes the lead on inspecting these facilities.

- ☐ e) Evaluate all violations and take timely action in accordance with the state's NPDES enforcement management system.

Status: Ongoing. Staff of the Storm Water Section continues to address violations as they are identified. IDEM continues to implement its EMS with formal enforcement action when referred from the Storm Water Section to the Enforcement Section.

- ☐ f) Track compliance monitoring and compliance assurance actions and, as resources are available, enter into ICIS-NPDES in accordance with established data requirements and reporting timeframes.

Status: Ongoing. Storm water inspections will be entered into the agency's Enterprise Information System (EIS). The data modules for the storm water programs are currently under development and are some of the first programs to be incorporated into the EIS for permitting and tracking purposes. Work is also underway to develop the capability for storm water data in the EIS to be uploaded into ICIS-NPDES.

- ☐ g) Report CMS inspection numbers at mid-year, and at the end of the federal fiscal year. Review plans and commitments prior to the beginning of the federal fiscal year, and at mid-year. Variations from the inspection frequencies and proposed revisions to numerical end-of-year commitments will be justified (i.e. issues related to staffing, funding, etc.).

Status: Ongoing. IDEM reports CMS inspection numbers as requested.

Compliance Monitoring Strategy (CMS) for Core National Pollution Discharge Elimination System (NPDES) Programs

W-6

Contact(s): a) Debbie Dubenetzky & Don Daily;
b) Debbie Dubenetzky c) Debbie Dubenetzky &
Jeff Ewick

USEPA Contact(s): James Coleman, Barbara
VanTil & Patrick Kuefler

Due Date: a, b, c) Annual Basis d, f)
Ongoing

USEPA Role: Provide program assistance.

Implement the state-specific CMS for core NPDES programs. Maintain an adequate enforcement and compliance assistance program to help ensure that NPDES violations are prevented and if violations occur, they are adequately addressed.

☐ a) NPDES Compliance Inspections:

- **Majors:** Conduct compliance evaluation inspections (CEI) or compliance sampling inspections (CSI) at 50% of major NPDES facilities annually. The goal is to inspect 100% of the universe every two years.

Status: In progress. IDEM is on track to exceed this inspection commitment by the end of the federal fiscal year/CMS inspection cycle, September 30, 2011. Based on U.S. EPA's Online Tracking Information System (OTIS), IDEM conducted comprehensive inspections at 68.8% of major facilities in FY10. For FY11, IDEM has conducted comprehensive inspections at 51.6% of major facilities. However, this percentage is based on an August 12, 2011 data pull from ICIS-NPDES. The percentage is expected to increase as inspections are completed, entered into ICIS, and eventually reflected in OTIS as the result of upcoming OTIS data refresh dates.

- **Minors:** Conduct inspections at 50% of "traditional" minor NPDES facilities annually. Half of those inspections are to be CEIs. The goal is to inspect 100% of the universe every two years.

Status: In progress. IDEM is on track to exceed this inspection commitment by the end of the federal fiscal year/CMS inspection cycle, September 30, 2011. Based on U.S. EPA's Online Tracking Information System (OTIS), IDEM conducted comprehensive inspections at 59.5% of minor facilities in FY10. For FY11, IDEM has conducted comprehensive inspections at 31.5% of minor facilities. However, this percentage is based on an August 12, 2011 data pull from ICIS-NPDES. The percentage is expected to increase as inspections are completed, entered into ICIS, and eventually reflected in OTIS as the result of upcoming OTIS data refresh dates.

- During FY09, inspections will be conducted at those semi-public minor facilities not inspected in FY08, and those facilities where significant problems were identified during earlier inspections.

Status: Complete. Compliance monitoring evaluation and follow-up continued in FY10 and FY11. This included on-site inspections, compliance assistance, and major efforts to eliminate DMR non-receipt violations.

- Respond to 100% of complaints.

Status: Ongoing. As complaints come in, they are logged into IDEM's Enterprise Information System (EIS) and assigned to area inspectors. Inspectors evaluate the complaint history regarding the alleged non-compliance and conduct appropriate investigations and on-site inspections. Informal or formal enforcement actions are taken for field verified complaints.

☐ b) Industrial Pretreatment Compliance:

- Conduct nine industrial pretreatment audits annually (20% of approved local pretreatment programs).

Status: Complete. All nine audits were completed in FY10 and IDEM is on schedule to complete nine audits in FY11 as well.

- Obtain training from U.S. EPA to develop procedures and documentation for conducting pretreatment compliance inspections (PCI) and significant industrial user (SIU) inspections. After such training has occurred, IDEM staff will submit a plan to perform PCIs and SIUs.

Status: Complete. IDEM participated in U.S. EPA led PCI at an Indiana facility in December 2009. U.S. EPA's inspection report was finalized in the summer of 2011.

☐ c) Quality assurance/quality control (QA/QC):

- Conduct QA/QC reviews of submitted self-monitoring data to evaluate reliability.

Status: Ongoing. IDEM continues to conduct routine review of federal discharge monitoring reports and state monitoring reports submitted by NPDES permit holders. IDEM also assisted U.S. EPA with the implementation of DMRQA-30 during FY10 and DMRQA-31 during FY11.

☐ d) Significant non-compliers (SNC):

- Maintain the SNC rate for majors below 10%, and the size of the active exceptions list below 2%, both as measured on a quarterly basis. SNC rate and active exceptions list shall be below 17% on an annual basis.

Status: Ongoing. IDEM is currently tracking its percentage goals on a quarterly basis and informal or formal enforcement is initiated for major facilities appearing on the quarterly non-compliance report (QNCR). SNC conference calls are held with U.S. EPA every two months. According to OTIS (based on August 12, 2011 data pull from ICIS-NPDES), the major SNC rate in FY10 was 9.4%. For FY11, the SNC rate for majors is 10.5%. The FY11 rate reflected in OTIS will be updated once 4th quarter DMR data is received and entered into ICIS-NPDES.

- Monitor facilities on the watch list and take action as appropriate.

Status: Ongoing. The watch list is reviewed on a quarterly basis with periodic discussions with U.S. EPA R5 counterparts during SNC calls.

☐ e) Evaluate all violations and take timely action in accordance with the state's NPDES enforcement management system.

Status: Ongoing. IDEM has met this commitment. Both informal and formal violations are being evaluated, documented and agency actions entered into ICIS-NPDES in a timely manner.

☐ f) Enter compliance monitoring and compliance assurance actions into ICIS-NPDES in accordance with established data requirements and reporting timeframes.

Status: Ongoing. Due to staff constraints, single-event violations are not being tracked separately in ICIS-NPDES, rather individually by inspector and/or compliance staff.

☐ g) Report CMS inspection numbers at mid-year, and at the end of the federal fiscal year.

Review plans and commitments prior to the beginning of the federal fiscal year, and at mid-year. Variations from the inspection frequencies and proposed revisions to numerical end-of-year commitments will be justified (i.e., issues related to staffing, funding, etc.).

Status: Ongoing. IDEM reports CMS inspection numbers as requested. Mid-year and end-year CMS numbers are pulled from OTIS and compared to IDEM records on inspections completed. Discrepancies are investigated in order to eliminate as many data inaccuracies in OTIS as possible. Final end-year FY11 numbers will be provided to U.S. EPA once all FY11 inspections have been completed and entered into ICIS-NPDES.

- ☐ h) Cooperate in the State Review Framework (SRF) Indiana review by providing data, in-person management and staff interviews, etc., needed to assess IDEM's performance of compliance monitoring and enforcement activities in accordance with negotiated commitments. Address concerns identified during SRF reviews.

Status: Ongoing. IDEM will work with U.S. EPA staff to prepare for U.S. EPA's second or third round review of IDEM's performance. While it was IDEM's understanding that the second round review would be conducted in early FY11, the review was delayed based on the advice of U.S. EPA Headquarters.

Safe Drinking Water Act (SDWA)

W-7

Contact(s): a) Pat Carroll & Stacey Jones; b, c, d, USEPA Contact(s): Tom Poy
e) Pat Carroll & Al Lao f) Pat Carroll & Liz
Melvin

Due Date: a, b, c, d) Ongoing e)
Annually f) Ongoing & End of SFY09

USEPA Role: a) Review and approve rules, b) Maintain and update the SDWIS database including the state version, SDWIS-state, c) provide compliance assistance, e) take necessary enforcement action to help reduce the level of non-compliance among small water systems, and f) provide support for continued development and improvement of the electronic sanitary survey form.

- ☐ a) Implement new federal safe drinking water rules, including re-codifying state rules as outlined in the Annual Resource Deployment Plan (ARDP).

Status: Complete. The following state rules became effective on June 6, 2010: Stage 2 Disinfectants and Disinfection By-products Rule, Long Term 2 Enhanced Surface Water Treatment Rule, Ground Water Rule, and Lead and Copper Rule Short Term Revisions.

- ☐ b) Submit all required federal reporting requirements within the required reporting period. This will be done through the Annual Resource Deployment Plan (ARDP) where items overlap.

Status: Complete. FY12 ARDP state commitments were submitted to U.S. EPA R5. The FY11 final ARDP will be sent to U.S. EPA R5. The activities necessary to meet commitments progressed in a satisfactory manner.

- ☐ c) Maintain Public Water Supply Supervision Program by maintaining a database management system (SDWIS) that accurately tracks the inventory (including routine updates of system information), violations and enforcement, sampling information and compliance determination for all safe drinking water contaminants.

Status: Ongoing/Complete. The Drinking Water Branch Compliance Section (CS) maintains SDWIS daily for inventory, sampling, violations and enforcement, legal entity, results and compliance determination. IDEM's SDWIS/state utilizes all current versions (including patches) and applications of SDWIS. The latest SDWIS 3.x upgrade will be completed by end of September 2011.

- ☐ d) Monitoring and reporting violations - All public water systems (PWSs) with violations will first receive a violation letter. Systems that do not correct the violation after receiving the violation letter will be referred to the Enforcement Section for appropriate actions consistent with agency policies and procedures.

Status: Ongoing/Complete. Monitoring and reporting (M/R) violation letters are issued monthly for all community water systems (CWS) and non-community water systems (NCWS) with a population greater than 1,000 for the total coliform rule (TCR) while quarterly M/R violation letters are issued for NCWS with a less than 1,000 population. For other rules M/R violations are issued within 30 days after the end of the monitoring period. If a public water system (PWS) meets IDEM's enforcement referral protocol (ERP) and/or U.S. EPA's Enforcement Response Policy (U.S. EPA ERP) and Targeting Tool, they will be referred to OWQ's Enforcement Section. The Drinking Water Branch maintains a list of all enforcement action referrals made and provides a monthly update to the OWQ Enforcement Section and U.S. EPA to ensure that commitments made are on track and on time.

- ☐ e) Maximum contaminant level (MCL) violations - PWSs that report information will be in compliance with 95% of pre-1994 rule and 80% of post-1994 rule requirements annually.

Status: Complete. The MCL compliance rate for all PWSs has exceeded the 95% of pre-1994 rule and 80% of post-1994 rule requirements. For FY11, the percentage of population served by community water systems that meets public health standards is 98.92%.

- ☐ f) Sanitary surveys at public water supply systems - Complete sanitary surveys at public water systems consistent with SDWA and as outlined in the ARDP.

Status: Ongoing. The frequency of surveys during the period was consistent with the ARDP.

Surface Water Quality Monitoring Strategy

W-8

Contact(s): Marylou Renshaw, Cyndi Wagner, & Lee Bridges e) Shivi Selvaratnam

USEPA Contact(s): Linda Holst, Mari Nord & Ed Hammer

Due Date: See below.

USEPA Role: a) Provide assistance in revising monitoring strategy. Review and provide comments on draft and final products, b) Work with IDEM to implement the strategy and identify resources to address identified gaps, c) Work with IDEM to identify resources to address issues identified in the strategy and provide technical assistance/guidance as requested. Work with IDEM to identify portions of the strategy that could not be implemented and reasons why, d) Provide meeting support and travel support as available. Act as lead for developing agendas and provide assistance in identifying appropriate speakers for SWiMS sessions.

- ☐ a) Implement the 2006-2010 Water Monitoring Strategy in the 2009 and 2010 monitoring seasons. (U.S. EPA PAM WQ-5)

Status: Complete. The fish community, macro invertebrate community, water chemistry, bacteriological, and nutrient sampling portions of the Probabilistic Monitoring Program were completed in 2009 and 2010. A minimum of 76 sites were sampled during 2009 and again in 2010; this completes three, five-year probabilistic monitoring cycles in Indiana. The Fixed Station Monitoring Program was completed in 2009 and 2010. Seven source ID studies were completed during 2009, but no source ID studies were done in 2010 due to personnel shortages. The Fish Tissue Contaminant Program monitoring was conducted in 2009 and 2010, with analysis of the 2009 samples completed by IDEM's contract lab and the 2010 fish tissue samples undergoing analysis. A pilot program for NPS monitoring was conducted upstream and downstream of seven best management practices that had been previously constructed with 319 funds. Due to resource constraints, it was not possible to conduct the trace metals, dissolved metals or sediment contaminant monitoring programs in 2009 and 2010 and no special studies were requested.

TMDL monitoring was conducted in 2009 and 2010. Lakes monitoring and volunteer lake monitoring was done through an IU-SPEA 319 Contract. Ground water network monitoring began in 2009 and was continued in 2010. Due to resource constraints, and the absence of wetland water quality standards, no wetlands monitoring was done or is planned. A wetlands inventory update and final report was completed by Ducks Unlimited.

- ☐ b) Revise and update the current (2006-2010) Water Monitoring Strategy for the 2011-2015 monitoring period. This would include improving compliance with the U.S. EPA's Guidance Elements of a State Monitoring and Assessment Program (Elements Guidance) to the extent possible, addressing U.S. EPA's comments on the current monitoring strategy as possible, further developing the watershed initiative approach, and incorporating a more comprehensive non-point source monitoring strategy.

Status: Complete. While IDEM did not submit a draft strategy to U.S. EPA by November 2010, several conference calls were held to discuss significant changes and IDEM sought technical assistance from U.S. EPA on the geometric design for non-point source baseline monitoring. The revised 2011-2019 Water Quality Monitoring Strategy was submitted to U.S. EPA on May 26, 2011. It represents improved compliance with the U.S. EPA's Elements Guidance and focuses existing, limited resources on primary objectives and addresses significant gaps. The most notable changes include conducting the Probabilistic Monitoring Program on a nine-year rather than five-year rotating basin and reducing the frequency of monitoring in the Fixed Station Program at a number of sites from monthly to quarterly so as to reallocate over 50% of existing staff and financial resources to conduct targeted monitoring to meet non-point source program objectives. The Targeted Monitoring Program includes baseline monitoring to support watershed planning, monitoring for U.S. EPA's performance measures, increased monitoring for TMDL development and monitoring in lakes for blue-green algae and algal toxins for public health advisories

- ☐ c) Participate in Bio-assessment Consistency Workgroup and SWiMS meetings/activities as resources allow.

Status: In progress. IDEM joined the Bioassessment Consistency Workgroup by phone due to travel restrictions. IDEM did not attend SWiMS in 2009 due to out-of-state travel and funding restrictions. The SWiMS meeting was not held in 2010. IDEM continues to participate in Bioassessment Consistency Workgroup related activities when possible.

- ☐ d) IDEM will by December 2009 establish and then implement a regular schedule to upload water quality data to U.S. EPA R5 national STORET through an updated AIMS database.

Status: In progress. IDEM did not finish the steps needed to complete the upload by December 2009, but the AIMS database upgrade was under development. IDEM completed the AIMS database upgrade on April 26, 2010. The upgraded AIMS database is online and uploads to STORET have begun.

- ☐ e) Complete all activities funded by the FY09-FY10 monitoring initiative funds (specific activities identified in separate grant workplan including implementation of the national surveys and monitoring strategy activities). Provide separate reports on these activities. (U.S. EPA PAM WQ-5)

Status: In progress. IDEM applied for the probabilistic survey portion of the FY10 monitoring initiative funds and is participating in the survey by reallocating the funds to the Illinois Environmental Protection Agency. IDEM is using the FY09 funds to do algal analyses for algal toxin testing in lakes and algal metric development for nutrient criteria. Separate grant reports are provided to the U.S. EPA grant program staff.

Water Quality Standards		W-9
Contact(s): a) Martha Clark Mettler b) Shivi Selvaratnam	USEPA Contact(s): Linda Holst, David Pfeifer, Kathy Mayo (anti-deg) Holly Wirick (UAAs) & Brian Thompson (nutrients)	Due Date: Ongoing.
USEPA Role: Participate in the anti-degradation workgroup, use attainability analysis (UAA) discussions, and any nutrient workgroups or meetings, as requested by IDEM. Review draft IDEM work products and provide timely comments. To the extent that resources are available, assist IDEM with travel support for regional meetings (RTAG, WQS).		

- ☐ a) Work with external stakeholders to complete revised anti-degradation implementation rulemaking. IDEM's goal is to have revised rule language second noticed by December 30, 2009.

Status: In progress. IDEM second noticed revised rule language in December 2009. The public comment period ended January 30, 2010. Numerous comments were received including comments from U.S. EPA R5. IDEM is working to respond to comments. In May 2011, the draft rule language to be presented for preliminary adoption was circulated. The rule will be presented for preliminary adoption in late summer, early fall 2011. After preliminary adoption, the revised rule language will be published for a third notice for public comment.

- ☐ b) Implement nutrient criteria development plan including initiation of rulemaking for the adoption of nutrient criteria for lakes by 2010 (U.S. EPA PAMs WQ-1a and WQ-3a), participate in regional activities (Regional Technical Assistance Group (RTAG) meetings and conference calls), and provide U.S. EPA R5 with revisions to the nutrient criteria development plan by August 1st of each fiscal year (U.S. EPA PAM WQ-1b).

Status: Ongoing. The 1st notice of rulemaking regarding the addition of numerical nutrient criteria for lakes to 327 IAC 2 was published in the Indiana Register on June 30, 2010, for a 30 day public comment period.

- ☐ c) Work collaboratively with U.S. EPA and CSO communities, which are developing UAAs to support adoption of a wet weather limited use designation, to ensure that there is sufficient coordination, to minimize unnecessary duplication of effort, and to ensure the UAAs are consistent with state and federal requirements.

Status: Ongoing. IDEM is working collaboratively with USEPA and those CSO communities, which are developing UAAs to support adoption of a wet weather limited use designation.

Homeland Security

Homeland Security		H-1
Contact(s): Max Michael & Laura Steadham	USEPA Contact(s): Roger Kanerva	Due Date: To be established
USEPA Role: Guidance and federal coordination.		

Assist in the coordination for preventing, protecting against, responding to and recovering from natural or man-made threats and events to people, property and the economy.

- ☐ a) Provide agency representation for the Indiana Counter Terrorism and Security Council (CTASC) as required by IC 10-19-8.

Status: Ongoing. Updates are provided regularly to the CTASC on activities.

- ☐ b) Support the coordination of counter terrorism activities performed by the CTASC for terrorist activities targeted at drinking water utilities and assists to improve the state's ability to respond to a terrorism incident at a drinking water facility.

Status: Ongoing. The security and counter terrorism coordinator has been making drinking water utility onsite visits to discuss risk assessments and emergency response plans.

Workshops regarding the water sector have also been attended by the security and counter terrorism coordinator.

- ☐ c) Provide agency representation for the Indiana Emergency Response Commission (IERC). The IERC is required by the Superfund Amendment and Reauthorization ACT (SARA) Title III and the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 to maintain Title III records in Indiana with the local emergency planning committees.

Status: Ongoing. The agency has been represented at each IERC meeting during this EnPPA period.

- ☐ d) Annually review and provide comments on the Indiana Strategy for Homeland Security.

Status: Ongoing.

- ☐ e) Participate in Homeland Security tabletop exercises.

Status: Ongoing.

- ☐ f) Continue to review and improve the state's incident debris plan and process as needed. In the event of a significant natural or man-made disaster, work with appropriate agencies to ensure the proper management and disposition of incident debris (including biological or infectious debris, and decontamination related waste) in a manner that is protective of human health and the environment.

Status: Ongoing. Emergency response is also participating in Super Bowl 2012 Planning U.S. EPA R5 State's Readiness to Respond Initiative and the U.S. EPA/US Coast Guard Tri-State Initiative regarding responses to spills to the Ohio River.

Indiana Water/Wastewater Agency Response Network (INWARN)

H-2

Contact(s): Bruno Pigott, & Sherri Winters

USEPA Contact(s): Roger Kanerva

Due Date: To be established

USEPA Role: Guidance and federal coordination.

The INWARN is a formalized system of members of the water/wastewater regulated community that have come together to address mutual aid during natural and man-made disasters.

- ☐ a) Support and assist drinking water and wastewater utilities, in developing and establishing INWARN to facilitate utilities accessibility to aid during natural and man-made disasters.

Status: Ongoing. Discussing INWARN during water utility onsite visits while discussing risk assessments and emergency response plans.

- ☐ b) Support INWARN efforts, as requested, to market the INWARN mutual aid system to Indiana drinking water and wastewater utilities in order to maximize participation in and effectiveness of INWARN.

Status: Ongoing. Undertaking onsite visits to review and assist with vulnerability assessments and emergency response plans and participating in USEPA R5 security conference calls. Attended water sector training in Chicago (FBI and U.S. EPA) and Portland, OR (FEMA and WEF). Also working with INWARN Steering Committee to increase membership.

BioWatch

H-3

Contact(s): Dick Zeiler & Steve Lengerich

USEPA Contact(s): Ralph Dollhopf

Due Date: To be established.

USEPA Role: Guidance and federal coordination.

- ☐ a) Conduct BioWatch monitoring in Indianapolis at eight locations.

Status: Ongoing. IDEM will continue to operate the eight BioWatch sites for the Indianapolis area on a daily basis.

Pollution Prevention & Technical Assistance

Measurement of Solid Waste Diversion and Recycling

P-1

Contact(s): Bruce Palin, Rick Bossingham & Monica Hartke-Tarr

USEPA Contact(s): Jerri-Anne Garl

Due Date: See below.

USEPA Role: Provide resources to accomplish this goal and lend support to develop and implement revised measurement of state's solid waste diversion and recycling efforts and programs.

- ☐ a) Research existing approach, data, systems, and activities relative to solid waste disposal, reduction, reuse, and recycling in an effort to measure and report results of these activities. Develop a state solid waste diversion and recycling measurement approach to enable IDEM to accurately report the amount of solid waste that is diverted from disposal or recycled.

Status: Ongoing. An application was prepared as part of an overall proposal by the Indiana Office of Technology for submission to U.S. EPA's FY10 National Environmental Information Exchange Network (NEIEN). Goals of the project include: (1) develop a web-based, statewide central database for collecting and standardizing measurement data inputs using the Re-TRAC software program; (2) establish a baseline of information from voluntary respondents including tons of material collected for recycling; (3) give technical assistance to producers, retailers, the waste collection/recycling industry, recyclers and local governments; and (4) get stakeholder input on materials management information priorities with an emphasis on recycling. Selection decisions by U.S. EPA were made and IDEM was not awarded funding.

The following options are now being explored to document the amount of materials collected from recycling activities in the state and give a baseline for determining an overall state recycling rate. Since the state recycling rate is impacted by many variables, specific recycling program successes are hard to measure.

- **Data from Solid Waste Processing Facilities:**
Dedicated facilities are permitted by the state to process municipal solid waste. They are required to submit annual reports of how much waste was processed and the amount of material recycled, if any. Trends indicate waste companies and haulers are expanding recycling capabilities offered to communities. This data could be tracked but only show a part of the total recycling activity in the state.
- **Legislative Reporting Requirements:**
A registration program with annual reports could be enacted for the collection of recyclables from households, schools and businesses much like registered collectors in the Indiana E-scrap Program. This would give a consistent baseline data set and reliable estimates on how many tons of recyclables were collected. Reporting would be limited to the standard definition of recyclable materials. The registration could also give some environmental oversight and avoid having facilities with open dumps. Data inputs could be tracked in a web-based, statewide central database such as offered by the Re-TRAC software program.
- **Utilize Previous Estimates with Updated Baselines:**
This option relies on broad assumptions with limited data collection from voluntary reporting methods to determine the annual amount (tons) of recyclables. A workgroup with representation from SWMD, cities/towns and recyclers could be established to update the information and reporting of results. The SWMD had responsibility in the early 1990s to give baseline statistics for recycling and develop a 20 year solid waste plan for their district, which was then approved by IDEM's Office of Land Quality. This information, if available, could be reviewed and serve as a basis for determining current progress.

Reduction of Carbon Footprint and Priority Chemicals

P-2

Contact(s): Rick Bossingham

USEPA Contact(s): Jerri-Anne Garl

Due Date: See below.

USEPA Role: Provide advice and guidance.

- ☐ a) Encourage local businesses and industries to reduce their carbon footprint.

Status: Ongoing. Through IDEM's work with industries and businesses in our voluntary programs such as the Environmental Stewardship Program (ESP) and the Partners for Pollution Prevention, IDEM continues to encourage reducing their environmental impact by reducing energy consumption, evaluating their waste streams and improving their operating practices and processes to permanently reduce the carbon footprint. Attached are data showing reductions made by our Partners for Pollution Prevention and the ESP members in Calendar year 2010.

- ☐ b) Reduce priority toxic chemicals by promoting the National Partnership for Environmental Priorities (NPEP) and pollution and prevention opportunity assessments.

Status: Ongoing. Work continues on U.S. EPA funded "Reducing Toxics in Indiana through Pollution Prevention" grant that was awarded in August 2009 to reduce use of the Resource Conservation Challenge Priority Chemicals at manufacturing facilities. IDEM staff performed direct contact to 145 facilities identified through the toxic release inventory as using these priority chemicals. Between August 2009 and July 2010, IDEM performed 20 pollution prevention opportunity assessments at manufacturers contacted through these direct calls. IDEM held a pollution prevention grant round in August 2010 focused on grant applications with projects to reduce toxics. The pre-applications for this grant round were due on June 11, 2010. IDEM received six applications. Two of the applications did not meet the definition of pollution prevention and were immediately eliminated from possible funding. The other four applicants were contacted by the P2 grant program manager to review the project and to assist with proper completion of the required final application. The final applications were due August 6, 2010, and we received three applications. IDEM feels that this was due to the limited focus of the RCC Priority Chemicals list. Most of the RCC chemicals IDEM found companies using are either unable to be removed such as lead in the steel industries or a substitution of the chemical such as cyanide plating in a medical device would require the industry to go through back through the rigorous process of FDA approval. Since IDEM received very few applications the first round, IDEM opened a second round of grants with final applications due on October 1, 2010, which had a broader focus of pollution prevention projects. IDEM funded three projects: General Motors Bedford was awarded \$30,000 for their project to recover waste heat from their compressors to heat a near-by process building. Upper White River Watershed Alliance (UWRWA) was funded \$60,000 to reduce non-point source pollution from pet waste and possibly expand their current campaign reducing use of phosphorus containing lawn fertilizer. Frito Lay was funded \$70,000 to modify their ovens to reduce their natural gas consumption. The estimated reductions from these three projects are the following:

- General Motors Reduced Air Emissions including lead of 1.35 tons
Reduced Energy consumption of 12,000 mmBtu/year
- UWRWA Reduced water pollution – E.coli and nutrients, pounds/home/year
(They have a website that allows for pledges of household reductions – Clear Choices Campaign)
- Frito Lay Reduced energy consumption of 65,000 therms per year
Reduced emissions of greenhouse gases of 340 metric tons of CO₂ per year (an online calculator was used to determine this amount)

Greening Facilities and Venues**P-3**

Contact(s): Rick Bossingham

USEPA Contact(s): Jerri-Anne Garl

Due Date: See below.

USEPA Role: Provide advice and guidance.

- ☐ a) Develop a model to assist Indiana in greening their facilities and operations.

Status: Ongoing. A draft Green Guidance for Stadium/Event Venues was developed.

- ☐ b) Provide technical assistance to community leaders in greening efforts. Primary focus will be working with the City of Indianapolis and athletic organizations as the city hosts the upcoming Final Four playoff tournaments and the 2012 Super Bowl.

Status: Ongoing. The Legacy Center is being developed as collaboration between the Indianapolis 2012 Super Bowl Host Committee, the NFL, the John H. Boner Community Center, IPS, and the Near Eastside residents. For each Super Bowl city, the NFL pledges \$1 million to fund a Youth Education Town (YET) facility in an economically disadvantaged area. The Legacy Center will contain this YET, but it will also be a community center for Near Eastside Residents, including a fitness center and educational programming to be provided from a number of partners. The Legacy Center is currently under construction and is due to be completed approximately December 2011. LEED certification is being pursued for this facility, with the goal level being Gold. The Indianapolis Office of Sustainability provided a grant to construct a living green roof for the building, and a greenhouse area is also planned to be a part of the construction.

A booth was organized to promote 1st and Green at the Radio Disney Family Fun Day Experience on Saturday, June 18 at White River State Park. Worked with web development company Innovative to create a group challenge for 1st & Green. The focus is on reaching out to schools, businesses, and other organizations so that they can join the challenge.

A pilot food waste composting project was tested at the JW Marriott the week of August 16th, during the Resource Recycling Conference, to help examine the potential for a composting project during Super Bowl week. The JW Marriott collected food waste in compostable bags (provided by BioBags); Republic Services provided the containers for the materials and transported it to Green Cycle, where it was composted. IDEM played a key role in assisting with the regulatory side of things. A great story about the project aired on WTHR.

Municipal Energy Management Pilot Project**P-4**

Contact(s): Rick Bossingham

USEPA Contact(s): Kevin Pierard

Due Date: See below.

USEPA Role: Provide advice and guidance.

- ☐ a) Provide support for the Municipal Energy Management Pilot Project through promoting energy efficiency at drinking water and wastewater public utilities, and promoting materials management, as applicable.

Status: Ongoing. IDEM has partnered with staff of the U.S. EPA R5 Water Division, Louann Unger and Jodie Opie, on the Municipal Energy Management Pilot Project to demonstrate the effectiveness and applicability of the guidebook titled "Ensuring a Sustainable Future: An Energy Management Guidebook for Wastewater and Water Utilities." IDEM and U.S. EPA first developed the structure of the project and invited 14 drinking water (DW) and wastewater (WW) utilities around the state to participate in the project. The participating utilities are Angola WW, Bloomington DW and WW, East Chicago WW, Lafayette WW, Logansport DW and WW, Mishawaka DW and WW, Shelbyville WW, South Bend WW, Valparaiso DW and West Lafayette WW. IDEM hosted a kickoff event for the project on September 30, 2009, and invited all participants and partners. IDEM and U.S. EPA have been holding monthly conference calls with all of the participating utilities to

guide them through each portion of the guidebook and provide technical knowledge. Since the kickoff, two communities have decided not continue in the project, East Chicago WW and Shelbyville WW. IDEM and/or U.S. EPA have visited the remaining (12) utilities to look at their operations and gain an idea of the status of their energy programs. IDEM has provided direct assistance to the municipalities in identifying their activities and operations, ranking these activities and operations by using specific criteria, and then helping the utility to determine objectives and targets for energy saving projects. IDEM continued to work with the communities to develop their energy management plans and identified projects that they can implement to obtain energy savings.

In February 2010, IDEM applied for funding through the Source Reduction Assistance Grant Program and was awarded approximately \$38,000 to support training calls provided to the utilities by Global Environment Technology Foundation and to create a supplement to the original guidebook. The all hands training calls were held each month with the participants from October 2010 to July 2011. U.S. EPA, GETF, and IDEM are currently finalizing the project and preparing the supplement to the original guidebook.



Partners for Pollution Prevention

Members reductions achieved in 2010

<i>Category</i>	<i>Units</i>	<i>Total for 2010*</i>
<i>Non-Hazardous Materials</i>	pounds	133,716,799
<i>Hazardous Materials</i>	pounds	3,129,100
<i>Hazardous Waste</i>	pounds	93,788,264
<i>Toxic Air</i>	pounds	49,400
<i>CO2</i>	pounds	637,454,954
<i>NOx</i>	pounds	106,228
<i>VOC</i>	pounds	155,203
<i>SOx</i>	pounds	68,598
<i>PM</i>	pounds	49,184
<i>Other</i>	pounds	124
<i>Total Air Emissions</i>	pounds	637,883,691
<i>Solid Waste</i>	pounds	30,349,627
<i>Electricity</i>	kilowatt hours	25,771,234
<i>Natural Gas</i>	therms	355,749,234
<i>Coal</i>	tons	5,476
<i>Other</i>	kilowatt hour equivalent	54,430,000
<i>Biomass Purchased</i>	kilowatt hours	156,903,480
<i>Water Use</i>	gallons	2,091,903,708
<i>BOD/COD</i>	pounds	2,000
<i>TSS</i>	pounds	50,000
<i>Total Water Pollution</i>	pounds	52,000
<i>Other Accomplishments</i>		
<i>Recycling</i>	pounds	289,202,293

*Data received as of September 7, 2011 from 53 partners



Environmental Stewardship Program

2010 Member Achievements

Members of the Environmental Stewardship Program collectively achieved the following reductions during 2010:

- ❖ Water use by 850,352 gallons
- ❖ Electricity use by 8,459,268 kilowatt hours
- ❖ Material procurement by 15,220 pounds
- ❖ Natural gas usage by 123,595 therms
- ❖ Solid waste sent to the landfill by 133,872,109 pounds
- ❖ Volatile organic compound emissions by 4,141 pounds
- ❖ Greenhouse gas emissions by 19,800 pounds
- ❖ Energy use by 9,628 million British Thermal Units

Other Accomplishments:

- ❖ Land and habitat conservation restored 82.5 acres and planted 23,375 trees
- ❖ Members recycled 7,309,796 pounds

