



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

INDIANA STATE ETHICS COMMISSION

IC 4-2-6-11

JUN 10 2021

Post-employment waiver

FILED

As the Appointing Authority of the Indiana Department of Environmental Management (IDEM), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Kimberly Rohr in her post-employment with the Town of Zionsville.

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of the following provision of IC 4-2-6-11:

IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

In 2013 and 2014, Ms. Rohr, as part of her duties at IDEM, inspected the wastewater treatment plant of the Town of Zionsville. She has not been assigned or involved in any matters regarding the town since that time.

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Ms. Rohr is a Senior Environmental Manager within the Office of Water Quality ("OWQ") at IDEM. Her duties in this position include sewer ban coordinator, lab and operation assistance and wastewater facility inspector. As sewer ban coordinator, she analyzes flows of municipal wastewater treatment plants to ensure the facilities are not operating the plant above what it is designed to treat. She inspects wastewater treatment facilities for compliance with their NPDES permits and provides lab training and trouble shooting of operational issues at small treatment plants. She does not have any substantial decision-making authority over policies, rules, or contracts.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

The Town of Zionsville has offered Ms. Rohr the position of Wastewater Lab Manager. In that position, she would be responsible for the operation of the treatment plant laboratory and the monitoring of changing plant conditions due to inclement weather. The position requires the collection and analysis of samples to monitor the performance of the wastewater treatment plant. She would record and report results for State reporting purposes and trouble shoot any problems.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Although the prospective position might require periodic contact with IDEM, that contact would not be substantial. IDEM only inspects the wastewater treatment plant once every one to two years. The position requires the collection and analysis of samples to monitor the performance of the treatment plant. Ms. Rohr may or may not analyze the samples. If she does not analyze the samples, she would monitor the individual who does conduct the analysis. Ms. Rohr would record and report the results of that analysis to the State on the state MRO and federal DMR forms. IDEM uses these forms to determine compliance with effluent limitations for the NPDES permit. So in essence, IDEM would be relying on information provided by Ms. Rohr (but not necessarily her work product).

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

The prospective employment would be beneficial to the State and public. Ms. Rohr, during her years at IDEM, has acquired substantial knowledge of wastewater treatment plant operations. Her lab training and trouble-shooting of operational issues at small treatment plants, can only help the Town of Zionsville in its endeavor to provide safe drinking water. As an inspector and sewer ban coordinator, Ms. Rohr has become quite knowledgeable of the federal and state requirements applicable to protecting human health and the environment. Her ability to use her environmental knowledge to protect the Town of Zionsville is consistent with the public interest.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

If the waiver is not granted, Ms. Rohr will be unable to begin employment with the Town of Zionsville. The extent of economic hardship that would result to her from being unemployed would be severe.

C. Signatures

1. Appointing authority/state officer of agency

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an

employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

Bruno Pigott
Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management

5/20/2021
DATE


2. Ethics Officer of agency

By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Kathleen Mills
Kathleen Mills, Ethic Officer
Indiana Department of Environmental Management

05/20/2021
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	<u>6-10-21</u>
Katherine Noel, Chair, State Ethics Commission	Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.