

**Members**

Rep. Ryan Dvorak, Chairperson  
Rep. David Wolkins  
Rep. Matt Pierce  
Rep. Timothy Neese  
Sen. Beverly Gard  
Sen. Frank Mrvan  
Sen. Edward Charbonneau  
Sen. Karen Tallian  
Doug Meyer  
Dave Wyeth  
Dwayne Burke  
John Hardwick  
Art Umble  
Calvin Davidson  
Jon H. Moll  
Thomas Easterly  
Heather Hill



# ENVIRONMENTAL QUALITY SERVICE COUNCIL

*Legislative Services Agency*  
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**LSA Staff:**

Robert Bond, Attorney for the Council  
Bernadette Bartlett, Fiscal Analyst for the Council

Authority: IC 13-13-7

## MEETING MINUTES<sup>1</sup>

Meeting Date: August 9, 2010  
Meeting Time: 12:00 P.M.  
Meeting Place: House Chamber, State House, 200  
W. Washington St.  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Rep. David Wolkins; Rep. Timothy Neese; Sen. Beverly Gard;  
Sen. Frank Mrvan; Dwayne Burke; John Hardwick; Art Umble;  
Calvin Davidson; Jon H. Moll; Thomas Easterly.

**Members Absent:** Rep. Ryan Dvorak, Chairperson; Rep. Matt Pierce; Sen. Edward  
Charbonneau; Sen. Karen Tallian; Doug Meyer; Dave Wyeth;  
Heather Hill.

1. Call to Order Sen. Gard called the meeting to order at 12:10 p.m., standing in for Rep. Dvorak. Rep. Wolkins later assumed the chair from Sen. Gard.

2. Administrative Matters Bob Bond discussed new procedures under which: (1) the Legislative Services Agency will e-mail meeting notices and agendas only to Council members; (2) members of the public will access meeting notices and agendas through the "Interim Study Committees" section of the General Assembly's website; and (3) Council members and members of the public will access meeting minutes and the final report through the website.

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

3. Commissioner's Report Tom Easterly, IDEM Commissioner, presented the annual Commissioner's Report (Exhibit 1), supported by the following:

- ◆ Legislative Report on CFO/CAFO Activities (Exhibit 2)
- ◆ Permit Operation Fund Report (Exhibit 3)
- ◆ Enforceable Operating Agreement Program Report (Exhibit 4)
- ◆ Administratively Extended NPDES Permits (Exhibit 5)
- ◆ Indiana Household Hazardous Waste Grant Program Annual Report (Exhibit 6)

In response to questions from Council members and the public, Mr. Easterly:

- ◆ Discussed ozone and sulfur dioxide air pollution monitoring.
- ◆ Advised that no termination date has been set for automobile emissions testing in Lake County and Porter County.
- ◆ Observed the inaccuracy of media reports that show low air pollution rankings for Indiana.
- ◆ Discussed cost savings and efficiencies resulting from IDEM performance of air permitting, air monitoring, and compliance functions formerly performed by contractors.
- ◆ Advised that the prospects for revival of suspended recycling grants depend on the state of the overall economy.
- ◆ Discussed the status of expedited enforcement activities.
- ◆ Discussed the status of "green" initiatives within state government.
- ◆ Discussed the status of proposed rules to create a register for mobile home salvaging facilities.

4. Future Meetings Rep. Wolkins informed the Council that Rep. Dvorak intends to schedule three more meetings this interim, one on air issues, one on water issues, and one on land and other issues. He asked Council members to provide proposed study topics to Rep. Dvorak or to Lindsay Shipps.

5. Adjournment Rep. Wolkins adjourned the meeting at 1:20 p.m.

EXHIBIT 1  
EQSC  
AUGUST 9, 2010

8/9/2010



**Environmental Quality Service Council  
IDEM Report – August 9, 2010**

**Thomas W. Easterly, P.E., DEE, QEP  
Commissioner, Indiana Department of  
Environmental Management**

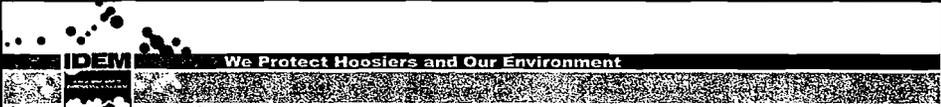


**IDEM's Mission**

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

IDEM's goal is to increase the personal income of all Hoosiers to the national average while maintaining and improving Indiana's environmental quality.

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**IDEM** We Protect Hoosiers and Our Environment

## How is IDEM Protecting Hoosiers and Our Environment?

Clear, consistent and speedy decisions

- Clear regulations
- Assistance first, enforcement second
- Timely resolution of enforcement actions
- Current, valid permits for every regulated entity without unnecessary requirements
- Written Standard Operating Procedures
- Improved staff training and development

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

 <b>We Protect Hoosiers and Our Environment</b>			
<b>Quality of Hoosiers' Environment</b>			
<b>% of Hoosiers that live in counties that meet air quality standards</b>		<b>80%</b>	
<b>% of CSO Communities with approved programs to prevent the release of untreated sewage</b>	<b>94.4%</b>	<b>20%</b>	93+9 (102) out of 99+9 (108)
<b>% of Hoosiers that receive water from facilities in full compliance with safe drinking water standards</b>		<b>95%</b>	
<b>Permitting Efficiency</b> Total calendar days accumulated in issuing environmental permits, as determined by state statute			
<b>Land</b>		<b>86,864</b>	<b>319 permits</b>
<b>Air</b>		<b>385,000</b>	<b>273 permits</b>
<b>Water</b>		<b>200,000</b>	<b>404 permits</b>
* Places emphasis on back logged permits			
<b>Compliance</b> Total percentage of compliance observations from regulated customers within acceptable compliance standards			
<b>Inspections</b>	<b>96.53%</b>	<b>75%</b>	
<b>Self reporting</b>	<b>98.25%</b>	<b>95%</b>	
<b>Continuous monitoring (COM)</b>	<b>99.83%</b>	<b>99.0%</b>	
* Tracks observations and not just inspections			



## Response to Reduced State Income

- Eliminated 2009 & 2010 raises.
- Strategic Hiring Review—Using attrition to reduce spending.
- Reduce/eliminate grants, contracts, etc.
- Restrictions on travel and purchasing.
- Will maintain essential State services.

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## Recent IDEM Budget Actions

- Returning staffing to January 2005 levels through attrition.
- Moving most of Shadeland staff to IGCN and renegotiating the lease.
- Canceling or renegotiating a number of service contracts.
- Voluntary unpaid leave program.

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## IDEM Staffing Levels

YEAR	2004	2005	2006	2007	2008	2009	Current	2010 Target
Actual FTE	895	918	915	927	954	950	890	902

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## Office of Air Quality Recent Accomplishments (Measured Air Quality)

1. Ambient air quality continues to improve.
  - Indiana currently meets all effective air quality standards.
  - Most National Ambient Air Quality Standards (NAAQS) have or are scheduled to be revised.
2. Completion of ToxWatch Report.
  - Detailed evaluation shows air toxics levels declining across the state.
  - Air toxics risk levels are comparable to those found in similar urban areas across the country.
3. Completion of Southwest Indianapolis Air Toxics Study.
  - Air quality in the study area is comparable to other urban areas in Indiana and the U.S.

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## Office of Air Quality Recent Accomplishments (Air Permitting)

- **Permit Accountability.**
  - Reduced backlog from 157 permits on 1/1/08 to 1 remaining on 7/1/10, which is on hold at the request of the applicant.
  - Reduced permit days from 66,978 on 7/1/09 to 53,922 on 6/30/10.
  - Efficiency measurement today is based on calendar days in process, not permit days.

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## Office of Air Quality Recent Accomplishments (Compliance and Enforcement)

- **Unpermitted sources (Surface Coating Initiative).**
  - Identified 600+ possible sources in FY09, sent letters to sources.
  - Follow-up in FY10 in coordination with CTAP/OPPTA.
    - Approximately 500 sources contacted.
    - Majority of sources either closed or do not conduct surface coating.
    - Remaining sources either have permits or exempt.
- **Expedited enforcement pilot project (EEPP).**
  - Quick resolution of straight forward violations that merit small civil penalty.
  - To date, EEPP cases closed in half the time as traditional enforcement.
  - Additional study needed due to small data set.

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## Office of Air Quality

### Recent Accomplishments (Compliance and Enforcement)

- Transition to Clean Air Interstate Rule (CAIR) from NOx Budget Trading Program.
  - Processed CAIR Energy Efficiency/Renewable Energy (EE/RE) Results for the 2009 Ozone Season and CAIR Compliance Supplement Pool (CSP).
  - Processing CAIR New Unit Allowance Applications for New Electric Generating Units (EGUs) and New Non Electric Generating Units (New Non EGU's) for the 2010 Ozone Season, CAIR EE/RE Applications for the current 2010 Ozone Season and current 2010 Annual Control Period and CAIR New Unit Allowance Applications for the New EGUs for the 2010 Annual Control Period .

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## Office of Air Quality

### Goal: Continue to Improve Air Quality

*As the NAAQS are tightened, ongoing assessment and planning are necessary:*

1. Each episode of elevated concentration is analyzed for cause and contribution.
2. Rulemaking is focused on pollutants of concern and supported by technical analysis.
3. Emission reduction initiatives and voluntary actions are promoted via internal and external partners (OPPTA, Partners for Clean Air, etc.)

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**Office of Air Quality**  
**(Regulatory Actions Summary)**

*State and federal actions targeting continued air quality improvement:*

1. Clean Air Transport Rule (Clean Air Interstate Rule replacement).
2. Statewide rule expansion for Stage 1 Vapor Recovery, Automobile Refinishing, and Organic Solvent Degreasing.
3. Consumer and Commercial Products.
4. Architectural, Industrial and Maintenance Coatings.
5. Additional federal rules expected for motor vehicles and industrial, commercial and institutional boilers.

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**Office of Air Quality**  
**(Rulemaking Initiatives)**

IDEM Rules Website: <http://www.in.gov/idem/4087.htm>

•Users may subscribe to receive information about rules, permits, and other public notices.

Key Air Rulemakings in Progress:

1. Outdoor Hydronic Heaters (Wood-fired Boilers).
2. Permitting Requirements for Greenhouse Gases.
3. Article 2 Initiative (Permitting Rules).
  - External public workgroup.
  - Objectives are to enhance clarity and increase efficiency of permitting process.

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## GHG Air Permits

- All permits issued after 1/1/2011 requiring PSD review that also increase GHG emissions by at least 75,000 tpy need GHG BACT.
- All permits issued after 6/30/2011 that increase GHG emissions by 75,000 tpy need GHG BACT and all sources with GHG emissions of at least 100,000 tpy need operating permits

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## GHG Air Permits

- IDEM will use the expedited rule making process and emergency rule making to obtain the legal authority to issue the federally required GHG permits

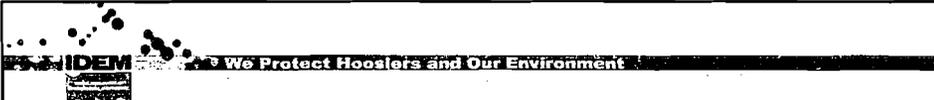
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**Office of Water Quality  
Accomplishments**

- **NPDES Permit Backlog Reduction**
  - 2005: 263 Administratively Extended Permits
  - 2010: 33 Backlogged Permits
  - Oldest Includes:
    - US Steel Midwest. Ready for Public Notice
    - Arcellor Mittal Burns Harbor. Under EPA review.
    - Hoosier Merom. Under EPA review.
    - Arcellor Mittal East. Drafting.
    - Arcellor Mittal West. Drafting.

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**Office of Water Quality  
Accomplishments**

- **NPDES Permit Backlog Reduction (cont.)**
  - Of the 28 remaining administratively extended Permits:
    - 15 do not meet EPA's definition of administratively extended as they are less than 180 days past the expiration date:
    - 15 have been public noticed and are close to being issued.
    - 10 submitted their renewal application late.

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## Office of Water Quality Accomplishments

- **Combined Sewer Overflow Reductions**
  - 107 Communities with Combined Sewers.
  - 85 Communities have IDEM –approved LTCPs.
  - 22 Communities remain to have their LTCPs approved. Of those, 16 are in an enforceable mechanism to get their LTCPs developed and implemented and 6 are in negotiations with EPA and IDEM for the development and implementation of their LTCPs.
  - 25 Communities have completed the implementation of CSO controls.

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## Office of Water Quality Accomplishments

- **Antidegradation Rule**
  - Federal Requirement that allows point source discharges to waters under specific circumstances.
  - Indiana law defines how we make the allowances and rules address the implementation of the law.

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## Office of Water Quality Accomplishments

- **Antidegradation (Cont.)**
  - The current rule applies only to the Great Lakes Basin.
  - The proposed rule will apply state-wide and:
    - Increases public opportunities for input,
    - Protects swimmable/fishable uses of waters,
    - Allows for the issuance of legal permits for discharges to waters, and
    - Does not allow for the violation of water quality standards.

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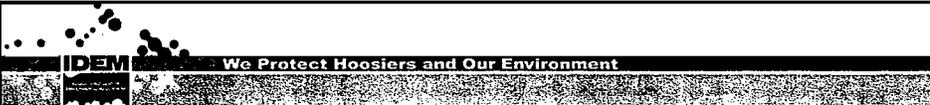


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## Office of Water Quality Accomplishments

- **Antidegradation (Cont.)**
  - Legislative changes mandated by House Enrolled Act 1162 have been incorporated.
  - Stakeholder workgroups held over two years.
  - Four public meetings held around the state.
  - Rule 'Second Noticed' in Indiana Register.
  - Many comments received.
  - IDEM considering rule revisions.
  - Draft rule will be presented to Water Pollution Control Board for preliminary adoption.
  - Third Notice likely.
  - EPA must approve finalized rule.

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## Office of Water Quality Accomplishments

- **Blue Green Algae Initiative**
  - Increasing Public Awareness.
  - Concerns from citizens around Geist Reservoir in 2007.
  - Senator Gard urged agencies to investigate.
  - Partnership among ISDH, IDNR, IUPUI Center for Earth and the Environmental Science to collect and report information.

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## Office of Water Quality Accomplishments

- **Blue-Green Algae Initiative (Cont.)**
  - 2009 EQSC report recommended expanded sampling of lakes.
  - State Blue-Green Algae Initiative:
    - IDEM to build in-house capacity to analyze the algae.
    - IDEM to expand sampling in first year to five DNR managed lakes.
    - ISDH/IDEM developed a communication protocol featuring:
      - Updated website
      - ISDH hotline
      - ISDH press releases when necessary.

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**Office of Water Quality  
Accomplishments**

- **Blue-Green Algae Initiative (Cont.)**
  - Long term goals:
    - Evaluate the costs and resources necessary for dramatically expanded sampling.
    - Use the information as an indicator to help provide information to the public and protect Hoosiers and the Environment.
    - Collect information that will help assess water quality.
    - Incorporation of cyanobacteria and microcystin into IDEM's Water Quality Monitoring Strategy.
    - Develop in-house technical capacity.
    - Strengthen state agency partnerships.

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**Office of Land Quality  
Accomplishments**

- Canceled ELTF Claim Review Contract and brought all of the work in-house for a net savings of approximately \$600,000 per year.
- Inspected 69 companies closing and as a result identified 190,000 pounds of industrial waste to be managed and disposed of properly.
- Negotiated an Agreed Order with the City of Connersville and Visteon to address soil and ground water contamination and allow use of the facility by Carbon Motors for development of a police car manufacturing plant.

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**Office of Land Quality  
Permitting**

- Issued 319 decisions last quarter
- 80% of the decisions were renewals of Confined Feeding permits
- On average the decisions were issued in 69% of the time required under the statute based on calendar days

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**Office of Land Quality  
Permitting**

- Significant Decisions
  - Arcelor Mittal Restricted Waste Type 1 Disposal Facility, Porter County
  - Nature’s Fuel Municipal Solid Waste Pyrolysis Facility, Huntington County
  - 80 acre expansion of Liberty Landfill, White County
  - 47 acre expansion of Newton County Landfill

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## Office of Land Quality Rulemaking

- Excess Liability Trust Fund
- Registration of Mobile Home Salvaging Operations
- Registration for Burning Waste as Alternative Fuel
- Registration for Biomass Digesters and Gasifiers

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## Stimulus Money Expenditures

- Continental Steel Stimulus Money Expenditures
  - \$1.3 million on grading and capping 9 acre slag processing area with 18 inches of compacted clay and 6 inches of topsoil, which will be completed soon.
  - \$4.6 million for ground water extraction and treatment system. Mobilize Aug 9 for installation of extraction system.

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## Stimulus Money Expenditures

- Brownfields Leaking Underground Storage Tank (LUST) Stimulus Money
- Little over \$4 million received for remediating petroleum tank leaks
- Work underway or completed at 15 sites (29 tanks have been removed)
- Site summaries available at: <http://www.in.gov/ifa/brownfields/2662.htm>

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## Office of Pollution Prevention and Technical Assistance - 2010

- Increased focus on statutory purpose of promoting cooperation between IDEM and regulated entities.
- Working with over 400 entities in voluntary participation programs (ESP, CLEAN, etc.) that go above and beyond environmental regulations.
- Answer over 4000 inquiries (annually) to help people understand and comply with their regulatory responsibilities.

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Questions?

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FY 2010

LEGISLATIVE REPORT ON CFO/CAFO ACTIVITIES

Senate Resolution 2512-2007

EXHIBIT 2  
EQSC  
AUGUST 9, 2010

The Indiana Department of Environmental Management's (IDEM) Office of Land Quality administers the animal feeding operation regulatory program in Indiana. This program includes permitting, compliance monitoring and enforcement activities for 1,416 Confined Feeding Operations (CFOs) and 635 Concentrated Animal Feeding Operations (CAFOs) for a total of 2,051 operations subject to permitting and inspection. In accordance with Senate Resolution 2512 the following information is being provided by the Indiana Department of Environmental Management for the time period July 1, 2009 through June 30, 2010.

**CFO and CAFO Inspections**  
Inspection Conducted from July 1, 2009 to June 30, 2010

Permit Type	Reason for Inspection <i>(definitions on following page)</i>	Number of Inspections
CFO	Paperwork (CoC) Follow-Up	13
	Compliance Assistance	32
	Construction	19
	Complaint Inspection	28
	Follow-Up Inspection	55
	Routine Inspection	240
	Spill Response Inspection	1
	Voidance	97
	Other (permit, enforcement, site status...)	32
	<b>Total</b>	<b>517</b>
CAFO	Paperwork (CoC) Follow-Up	8
	Compliance Assistance	30
	Construction	40
	Complaint Inspection	12
	Follow-Up Inspection	22
	Routine Inspection	59
	Spill Response Inspection	7
	Voidance	4
	Other (permit, enforcement, site status...)	19
	<b>Total</b>	<b>201</b>
CFO/CAFO Totals	Paperwork (CoC) Follow-Up	21
	Compliance Assistance	62
	Construction	59
	Complaint Inspection	40
	Follow-Up Inspection	77
	Routine Inspection	299
	Spill Response Inspection	8
	Voidance	101
	Other (permit, enforcement, site status...)	51
	<b>Total</b>	<b>718</b>

**CFO and CAFO Violations**  
**Violations Cited from July 1, 2009 to June 30, 2010**

<b>Permit Type</b>	<b>Citation/Violation</b>	<b>Number of Violations</b>
<b>CFO</b>	Approval and Performance Standards	13
	Discharge and Spill Requirements	6
	Land Application Records	176
	Operating Records	82
	Operational Standards	61
	Land Application	2
	<b>Total</b>	<b>340</b>
<b>CAFO</b>	Approval and Performance Standards	4
	Discharge and Spill Requirements	38
	Land Application Records	39
	Operating Records	23
	Operational Standards	93
	Land Application	4
	<b>Total</b>	<b>201</b>
<b>CFO/CAFO Totals</b>	<b>Approval and Performance Standards</b>	<b>17</b>
	<b>Discharge and Spill Requirements</b>	<b>44</b>
	<b>Land Application Records</b>	<b>215</b>
	<b>Operating Records</b>	<b>105</b>
	<b>Operational Standards</b>	<b>154</b>
	<b>Land Application</b>	<b>6</b>
	<b>Total</b>	<b>545</b>

**CFO Approval and NPDES CAFO Permit Animal Threshold Numbers and  
Number of CFO Approvals and NPDES CAFO Permits\* Issued Between July 1, 2009 and June 30, 2010**

Species/Sector	Threshold Number of Animals			CFO	Number of NPDES Permits* and CFO Approvals Issued				
	Large CAFO	Medium CAFO**	Small CAFO***		Large CAFO	Medium CAFO**	Small CAFO***	CFO	
<b>Beef</b>									
Cattle	≥1,000	300-999	<300	≥300	1	0	0	2	
Cow/Calf Pairs									
<b>Dairy</b>									
Mature Dairy Cow	≥700	200-699	<200		16	1	0	9	
Other than Mature Dairy Cows <i>(dairy heifers/dairy calves/veal calves)</i>	≥1,000	300-999	<300						
<b>Swine</b>									
Growers/Finishers/Sows/Boars <i>(greater than 55 lbs)</i>	≥2,500	750-2,499	<750	≥600	65	3	0	12	
Nursery Pigs <i>(less than 55 lbs)</i>	≥10,000	3,000-9,999	<3,000						
<b>Chickens</b>									
Layers/Broilers <i>(liquid manure handling system)</i>	≥30,000	9,000-29,999	<9,000	≥30,000	10	0	0	5	
Chickens Other than Layers <i>(not in a liquid manure handling system)</i>	≥125,000	37,500-124,999	<37,500						
Layers <i>(not in a liquid manure handling system)</i>	≥82,000	25,000-81,999	<25,000						
<b>Dicks</b>									
Liquid Manure System	≥5,000	1,500-4,999	<1,500	≥30,000	0	0	0	0	
Not a Liquid Manure System	≥30,000	10,000-29,999	<10,000						
<b>Others</b>									
Turkeys	≥55,000	16,500-54,999	<16,500	≥500	2	0	0	6	
Horses	≥500	150-499	<150						
Sheep/Lambs	≥10,000	3,000-9,999	<3,000	≥600	0	0	0	0	
<b>Totals</b>					<b>94</b>	<b>4</b>	<b>0</b>	<b>34</b>	

\*All NPDES CAFO permit applications included (NPDES CAFO General Construction, NPDES CAFO General Coverage, NPDES CAFO General Renewal, NPDES CAFO Individual Construction, NPDES CAFO Individual Coverage, and NPDES CAFO Individual Renewal).

\*\* In addition to meeting animal threshold numbers, the operation must also discharge or have discharged pollutants into waters of the state. Medium CAFOs which do not discharge may voluntarily participate in NPDES program.

\*\*\* In addition to meeting animal threshold numbers, the operation must also discharge or have discharged pollutants into waters of the state and be designated a CAFO.

**Permitting Activities**  
**CFO and CAFO Application Details from July 1, 2009 to June 30, 2010**

Application Type	Received	Issued	Denied	Withdrawn
<b>CFO Approval Applications</b>	<b>34</b>	<b>34</b>	<b>0</b>	<b>1</b>
General NPDES CAFO Permit Construction Applications	25	26	0	0
Large CAFOs				
Medium CAFOs				
Small CAFOs				
<b>Individual NPDES CAFO Permit Construction Applications</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
Large CAFOs	4	1	0	0
Medium CAFOs	0	0	0	0
Small CAFOs	0	0	0	0
<b>Construction Applications</b>	<b>63</b>	<b>61</b>	<b>0</b>	<b>1</b>
<b>General NPDES CAFO Permit Coverage Application</b>	<b>12</b>	<b>14</b>	<b>0</b>	<b>0</b>
Large CAFOs	11	13	0	0
Medium CAFOs	1	1	0	0
Small CAFOs	0	0	0	0
General NPDES CAFO Permit Renewal Application	52	56	0	0
Large CAFOs				
Medium CAFOs				
Small CAFOs				
<b>Individual NPDES CAFO Permit Coverage Application</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Large CAFOs	0	0	0	0
Medium CAFOs	0	0	0	0
Small CAFOs	0	0	0	0
Individual NPDES CAFO Permit Renewal Application	11	1	0	0
Large CAFOs				
Medium CAFOs				
Small CAFOs				
<b>Other NPDES Permit Applications</b>	<b>65</b>	<b>71</b>	<b>0</b>	<b>0</b>
<b>Totals</b>	<b>128</b>	<b>132</b>	<b>0</b>	<b>1</b>

**July 1, 2009 to June 30, 2010  
CAFO/CFO METs Review**

**NOVs Issued:**

CFO – 8
<u>CAFO – 12</u>
Total – 20

**AOs Adopted and Civil Penalty Collected:**

CFO – 13	\$45,600
<u>CAFO – 14</u>	<u>\$71,175</u>
Total – 27	\$116,775

**AO Violation Breakdown and Civil Penalty:**

**Water Quality Violations**

CAFO – 7	\$51,225
<u>CFO – 4</u>	<u>\$11,650</u>
Total – 11	\$62,875

**Construction Permit Requirements (NOI, affidavits, etc)**

CAFO – 2	\$11,700
<u>CFO – 6</u>	<u>\$5,550</u>
Total – 8	\$17,250

**Permit/Approval Conditions**

CAFO – 5	\$8,250
<u>CFO – 3</u>	<u>\$28,400</u>
Total – 8	\$36,650

EXHIBIT 3  
EQSC  
August 9, 2010



FY 2010  
PERMIT OPERATION FUND REPORT  
IC 13-15-11-6

Fund	Proposed Distribution	Actual Revenue	Actual Expenditures	Ending Balance
Permit Operation Fund	\$19,599,005	\$25,498,693	\$24,754,679	\$744,014
Water Management Permitting	\$6,791,455	\$10,569,992	\$10,225,960	\$344,032
Solid Waste Management Permitting	\$5,630,849	\$7,254,666	\$7,468,545	(\$213,879)
Hazardous Waste Management Permitting	\$2,503,038	\$4,684,831	\$4,414,996	\$269,835
Safe Drinking Water Program	\$4,673,663	\$2,989,204	\$2,645,178	\$344,026

Rationale for Proposed Distribution

**Water Management Permitting:**

This account supports personnel who ensure the proper protection, preservation, and enhancement of the quality and integrity of all waters of the state. This objective is achieved through: (1) the adoption of appropriate water quality standards and rules; (2) the management of a program designated to assist in the construction, operation, and maintenance of wastewater treatment facilities; (3) enforcement of duly promulgated regulatory requirements; and (4) inspections of all wastewater treatment facilities throughout the state to assure compliance with the Clean Water Act and state laws.

**Goals and Objectives:** Reissue all expiring NPDES permits prior to expiration date. Maintain the storm water permitting program with no back log. Continue preparation for the Federal Phase II Storm Water Program implementation and MS4 permits program. Improve the electronic accessibility of draft and final NPDES permits to satisfy public notice requirements. Issue 100% of construction permits within prescribed timeframes.

**Solid Waste Management Permitting:**

This account supports the management of solid waste in order to protect the public health and the environment in the State of Indiana. At this time, there are 79 active disposal sites, 62 solid waste processing facilities, 2 permitted incinerators, 2044 confined feeding operations (which includes 498 CAFO generals and 21 CAFO individuals), 414 septic wastewater business, 77 waste tire transporters, 24 waste tire processors, 186 biosolid generators, and 129 yard waste composters located throughout the State.

Goals and Objectives: To provide quality permit service by using a variety of tools in assuring compliance, timely and quality inspections, investigations, and permits while developing increased capability in facility oversight, corrective action, and technical compliance. Implementation of any shifts in resources or streamlining of processes identifies as part of the evaluation process that has begun relative to the Confined Feeding Operation Program.

**Hazardous Waste Permitting:**

This account provides management of hazardous waste in order to protect the public health and environment in the State of Indiana. At this time, there are XX active hazardous waste processing or disposal facilities, XXX generators of large quantities of hazardous waste, and XXXX small quantity generators located throughout the State.

Goals and Objectives: To provide quality permit service by implementing and enforcing new Federal Hazardous Waste requirements, and ensuring timely and quality inspections, investigations, and permits while developing greater capability in the areas of risk assessment, corrective action, and technical compliance. Timely issuance of permits continues to be a major focus. The continued improvement in overall quality of the permit and compliance programs is evidenced by the Environmental Performance Partnership Agreement with the U.S. Environmental Protection Agency which gives states greater control over federally delegated programs while providing a multi-media, results-oriented planning mechanism for the agency. Staff will continue to focus on the cleanup of contaminated areas at hazardous waste facilities in order to prevent exposure to the public through direct contact or ground water contamination. There will also be continued refinements and revisions to the risk integrated systems for closure which guides how clean a site must be.

**Safe Drinking Water program:**

This account assures the proper construction, operation, and maintenance of public water systems. These activities include issuing construction permits, drinking water compliance tracking, sanitary surveys and inspections, drinking water sampling, compliance assistance, operator certification, and data management.

Goals and Objectives: To protect human health and well-being by setting standards for the quality and quantity of drinking water provided by the purveyors to the public by promulgating Safe Drinking Water rules and regulations, both federal and state, and enforcing the mandates of the Safe Drinking Water Act. To ensure adequate supplies of safe drinking water to the citizens of Indiana and to ensure that the public water systems are able to meet the necessary requirements under the Safe Drinking Water Act. Continue implementing a capacity development strategy. Update State regulations to reflect the changes in federal regulations and any regulations promulgated during the biennium. Continue to provide compliance evaluation, determination and inspection support for all public water systems. Continue to improve available resources by implementing the new fee program.



August 2010

ENFORCEABLE OPERATING AGREEMENT PROGRAM REPORT

IC 13-17-13-3

EXHIBIT 4

EQ5C

AUGUST 9, 2010

The Indiana Department of Environmental Management (IDEM) has a Source Specific Operating Agreement (SSOA) program (pursuant to 326 IAC 2-9) under which specific types of activities may operate, provided that the source accepts the pre-established terms of the SSOA "as is." Although a source may not simultaneously operate under more than one of the same type of SSOA sources can operate under up to 4 different SSOAs, as long as the total potential to emit for any regulated pollutant, as limited by the SSOAs, does not exceed major source levels.

In all, there are 23 separate SSOAs available to applicants, covering 13 specific types of activities. For those SSOAs that limit the total potential to emit for any regulated pollutant to less than twenty-five (25) tons per year, a public comment period is not required (for a list of these SSOAs, see 326 IAC 2-1.1-3(d)). However, pursuant to 326 IAC 2-5.1-3(a)(1)(E), for those SSOAs that have a limited potential to emit for any regulated pollutant of twenty-five (25) tons per year or more, a New Source Review (NSR) Permit for approval to construct and a thirty (30) day public comment period is required. The final issuance of any SSOA is appealable. With the exception of coal mining and some stone crushing SSOAs there is no annual fee required, but sources are required to file an annual Compliance Notification. Sources are not required to renew their SSOA.

Pursuant to 326 IAC 2-9-1(i), a SSOA does not relieve the Permittee of the responsibility to comply with the provisions of any other applicable federal, state, or local rules, or any New Source Performance Standards (NSPS), 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 or 40 CFR Part 63.

AS of June 30, 2010, there were 797 currently permitted Source Specific Operating Agreement (SSOA) sources. In 2009, there were SSOAs issued to 43 sources. As of June 30, 2010, there have been SSOAs issued to 15 sources in 2010.



AUGUST 2010  
ADMINISTRATIVELY EXTENDED NPDES PERMITS  
IC 13-15-4-19

<b>NPDES Permit Renewals</b>	
Number of Pending NPDES Renewals Submitted On-Time	22
Number of Pending NPDES Renewals Submitted Late (< 180 days prior to expiration date) <i>[Additionally it should be noted that these applications had only been inhouse &lt; 180 days.]</i>	10
Number of Pending General NPDES Renewals Submitted Late (< 90 days prior to exp date)	1
<b>Total Number of Pending NPDES Renewals as of 7/1/2010</b>	<b>33</b>

<b>* Additional Notes</b>	
Of the 33 pending NPDES permit renewals, number which have already been public noticed.	15
EPA-defined Permit Backlog (only counts a permit as backlogged if it is still pending > 180 days past the Expiration Date)	15

<b>New NPDES Permits</b>	
Number of Pending New NPDES applications exceeding the statutory timeframes of IC 13-15-4-1	0

EXHIBIT 5  
EQSC  
AUGUST 9, 2010

EXHIBIT 6  
EQSC  
AUGUST 9, 2010



**Indiana Department of  
Environmental Management**

**Source Reduction and Recycling Branch  
Office of Pollution Prevention and  
Technical Assistance**

**Indiana Household Hazardous Waste  
Grant Program Annual Report**

**Per I.C. 13-20-20-12**

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**Calendar Year 2010**

March 2010

## **Introduction**

The Indiana Department of Environmental Management (IDEM), Office of Pollution Prevention and Technical Assistance (OPPTA), Source Reduction and Recycling Branch has provided grant funding and technical assistance to Indiana local units of government for the development and operation of household hazardous waste (HHW) and conditionally exempt small quantity generator waste (CESQG) collection programs. Since 1994, IDEM has provided 175 HHW grants and 5.8 million dollars in support to communities and solid waste management districts. This funding helped start and expand HHW programs or activities, safe management of household hazardous products, and educate residents about preferred disposal options for HHW.

## **Suspension of HHW Grant Program**

Currently, as all levels of government around the country are managing budget reductions, the state of Indiana is committed to keeping all essential governmental services running smoothly and effectively during these difficult times. Therefore, the Indiana Department of Environmental Management in December of 2008 temporarily suspended state-funded grant and loan programs for business and local government recycling and pollution prevention projects, including the Household Hazardous Waste Grant Program.

Due to the suspension of the grant program, no projects were funded in 2009, and no money was expended through the grants program. Until the fiscal situation is resolved, no estimate of money required to meet grant requests or recommended changed to the program will be provided through this annual report. IDEM continues to provide technical assistance to Indiana residents, local government and businesses on HHW and CESQG collection and management issues, including household pharmaceutical and sharps waste management.

## **Technical Assistance and Support**

The following sections provide brief updates on IDEM technical assistance, the activities the agency has been involved with to educate residents and businesses about how their communities can reduce HHW and CESQG generation and improper disposal, and the operations of Indiana HHW programs.

## **Indiana HHW Task Force**

IDEM continues to work with the Indiana Household Hazardous Waste Task Force, Inc. (IHHWTF) and communities to address HHW issues throughout the state. With IDEM technical assistance, the Task Force promotes the proper, environmentally-safe collection, recycling, and disposal of household hazardous waste. Its 53 members include solid waste management districts, cities, towns, counties and companies that manage or provide HHW services. Since 2000, regional cooperative HHW grants (funded by IDEM) and local funding have supported IHHWTF members in diverting more than 3.4 million pounds of HHW from being poured down the drain, on the ground, or ending up in solid waste landfills.

## **Pharmaceuticals**

The proper disposal of expired or unwanted medicines is an issue that has received increased concern among the public, environmentalists and governmental agencies in recent years. Products of concern include prescription, over-the-counter medications and personal care products. Improper disposal of medicines presents both a public safety and environmental hazard. Studies conducted by the U.S. Geological Survey (USGS) have

shown that pharmaceuticals are present in our lakes and streams. Expired or unwanted medicines, if flushed down the toilet or drain, are a source of pollution in wastewater. Because sewage treatment plants are not designed to deal with pharmaceutical waste, these chemicals can be released into streams, lakes, and groundwater and affect fish and other aquatic wildlife.

IDEM has provided technical assistance to communities, SWMDs, and organizations to establish pharmaceutical collection programs, including:

- Spring and Fall 2009 Marsh pharmaceutical and sharps collections sponsored by Marsh Pharmacy, the Indiana Poison Center, CLS/MedTurn, Statewide Medical Services, and IDEM.
- A November 2009 workshop attended by 120 pharmacists, medical professionals, state and local government officials, waste-water treatment managers, and hazardous and solid waste program managers (see photo).



- Assistance to cooperating entities in a regional effort to expand or start up pharmaceutical or sharps collection programs in 17 counties or cities. The programs provide pharmaceutical or sharps education, collection and disposal services to residents.

## HHW Collection Around the State

Household hazardous waste programs collect waste that otherwise would be improperly disposed by dumping in a ditch, poured down drains or storm sewers, or disposed in landfills. Forty-one HHW programs, serving 72 percent of Indiana residents, provided IDEM HHW collection information for 2009. Information on local HHW collection programs can be found at [www.in.gov/recycle/5724.htm](http://www.in.gov/recycle/5724.htm).

2009 HHW Program Collections	
Hazardous Waste	2,674 tons
Mercury	103 tons
Used Motor Oil	130,000 gallons
E-waste	1,370 tons
Tires	220,000 tires
Appliances	127,000 appliances
Sharps	24 tons

Most programs that provide HHW services also collect problem materials because of the lack of services for these materials and public demand. Problem materials include mercury and mercury-containing items, used oil, electronics, tires, appliances, and sharps. These problem

materials contain toxic or hazardous components, are difficult to safely dispose of, and improper disposal can create environmental and health hazards (see chart).

### **Conclusion**

IDEM technical support and grants have provided important support for the growth of HHW programs and services in Indiana. HHW programs educate residents on safe storage and management of household chemicals which helps prevent accidental poisoning of children and household accidents. HHW programs provide a way for residents to safely dispose of used motor oil, gasoline, pesticides and other hazardous products used in the home, making homes safer and reducing hazards for fire fighters. The hazardous and problem waste collected and properly disposed by HHW programs is diverted from disposal in Indiana lakes, streams, storm drains, and ravines, reducing pollution and clean-up cost for Indiana communities. For more information on IDEM HHW reduction efforts, visit [www.recycle.in.gov](http://www.recycle.in.gov).