

2009-2011

ENPPA



Indiana

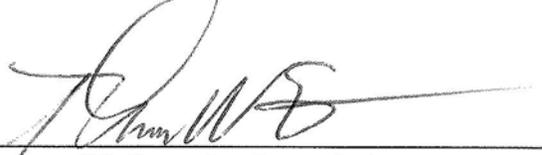
Environmental Performance Partnership Agreement

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

Authorizing Signatures

The Indiana Department of Environmental Management and U. S. Environmental Protection Agency, Region 5 2009-2011 Environmental Performance Partnership Agreement is approved on the date of the last signature received.

For the State of Indiana:



Thomas W. Easterly, Commissioner
Indiana Department of Environmental Management

JUNE 23, 2009
Date

For the U.S. Environmental Protection Agency, Region 5:



Bharat Mathur, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5

JUNE 26, 2009
Date

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**Joint 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 (USEPA), Region 5 have entered into their seventh (7th) Environmental Performance Partnership Agreement (EnPPA). This biennial agreement identifies program specific priorities and program specific joint priorities between the two (2) 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 USEPA and Environmental Council of States (ECOS). The EnPPA, formed under NEPPS, is designed to provide states and USEPA 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 USEPA'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 USEPA grants.
3. **Draft EnPPA:** The draft EnPPA was developed from the priority list and presented to USEPA 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 USEPA 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 USEPA 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 USEPA needs.

Roles of IDEM and USEPA

This agreement defines the roles that both IDEM and USEPA R5 will undertake to meet the program commitments. IDEM and USEPA 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. USEPA 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 USEPA 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-USEPA 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, USEPA has a continuing role in environmental protection in the State of Indiana. USEPA 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 USEPA 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 (4) 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 (6). Five (5) 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 five-hundred-seventeen (517) authorized QA related documents.

Reporting

IDEM will continue to report to USEPA 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 Web site and other existing reports as supporting documentation for the EnPPA and the PPG. Both IDEM and USEPA 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 USEPA 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 USEPA 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 USEPA R5 have identified the following Joint Priorities:

Air Quality Program Joint Priorities

Air Monitoring for Toxics Near Schools

Midwest Clean Diesel Initiative and Implementation of the American Recovery and Reinvestment Act of 2009 Clean Diesel Grant Program

Land Quality Joint Priorities

Indiana Harbor, Shipping Canal and Grand Calumet River

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.

Homeland Security Joint Priorities

Heartland Emergency Response Exchange (HERE) Network

Indiana Water/Wastewater Response Exchange Network (INWARN)

Participate in Continuity of Operations (COOP) Exercises

Pollution Prevention Joint Priorities

Measurement of Solid Waste Diversion and Recycling

IDEM and USEPA 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 USEPA R5 to work with USEPA 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. USEPA*) which removed the pollution control projects (PCP) exclusion.

Land Quality Program Action Items

IDEM to seek guidance from USEPA R5 on the enforcement of financial assurance for Treatment, Storage and Disposal (TSD) facilities

IDEM requests USEPA R5 help regarding revising technical documents involving Risk Integrated of Closure (RISC)

The clarification of State match dollars versus cash upfront regarding moneys involved in the Superfund Program

Water Quality Program Action Items

IDEM to draft letter to USEPA 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

Cross Program Action Items

Define Heartland Emergency Response Exchange (HERE) Network Contacts

USEPA and IDEM will work jointly to develop a mechanism to address permits, variances and waivers during an emergency crisis.

Promote Green Practices

Joint Planning and Evaluation Process

IDEM and USEPA 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:

<u>Actions</u>	<u>Deadlines</u>
2009-2011 EnPPA Begins	July 1, 2009
Final Environmental Conditions Report (2007-2009 EnPPA)	Sept. 30, 2009
USEPA Evaluation of State's Final Report (2007-2009 EnPPA)	Dec. 2009
Joint Assessment Process	June 2010
Joint Assessment Process Conditions Report	Sept. 30, 2010
USEPA R5's Evaluation of Report	Dec. 2010
Senior Management Planning Meeting (2011-2013 EnPPA)	April 2011
IDEM/USEPA Program-to-Program Meetings (2011-2013 EnPPA)	April/May 2011
Workplan Negotiation (2011-2013 EnPPA)	April 2011
Workplan Finalized (2011-2013 EnPPA)	May 2011
Draft EnPPA Finalized (2011-2013 EnPPA)	June 2011
2011-2013 EnPPA Begins	July 1, 2011
2009-2011 EnPPA Final Environmental Conditions Report	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 USEPA 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 USEPA 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 USEPA R5 will jointly assess each program element and determine the appropriate course change, as needed. USEPA R5 will review and act on new regulations in program areas that impact Indiana's authorization or where Federal statute or regulation requires USEPA review and approval of State actions (e.g., water quality standards).

Dispute Resolution Process

IDEM and USEPA 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 (2) weeks of the issue arising at the staff level. If unresolved at the end of two (2) 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 (2) 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 seventeen (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 (1) county (Clark) now meets health standards set by the USEPA 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 USEPA has adopted protective health standards for ozone, based on an eight (8) hour measurement, and standards for fine particles (PM_{2.5}). Initially, Indiana had twenty-four (24) counties or portions of counties that were designated non-attainment for the eight (8) hour ozone standard and seventeen (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 (8) hour ozone standard. Only one (1) of the original seventeen (17) counties designated by the USEPA 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. USEPA 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 USEPA 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 (24/7) 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 USEPA'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 USEPA 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 USEPA 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, 2012	
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:
- b) Timely issuance of all Title V operating permits – IDEM will ensure that progress is made on all pending initial TVOP applications.
Status:
- 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 late applications are issued within nine (9) 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:
- d) Provide quarterly updates to the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate (RACT/BACT/LAER) Clearinghouse.
Status:
- e) Provide semi-annual updates to the Title V operating permit system (TOPS) database.
Status:

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:
- b) USEPA will provide support and guidance to IDEM on permitting high efficiency energy generation initiatives.
Status:
- c) USEPA will provide support to IDEM in developing and issuing flexible permits.
Status:

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:

Article 2 Rule Revisions

A-4

IDEM Contact(s): Pat Troth & 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) USEPA 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. USEPA will provide guidance and assistance to ensure that the revisions will ultimately be approvable as part of Indiana's SIP.

Status:

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 USEPA R5 by August 31, 2009 and August 31, 2010.

Status:

- b) Implement the CMS plan for full compliance evaluations:
- Conduct full compliance evaluations of Part 70 sources once every two (2) 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 Federal fiscal year 2010.
 - Mega-sites will be identified in the CMS plan and a full compliance evaluation of those sites will be conducted once every three (3) 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 (5) years.
 - Conduct full compliance evaluations of all FESOP sources once every five (5) 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:

- c) Upload compliance and enforcement information from Air Compliance Enforcement System (ACES) to meet USEPA's Minimum Data Requirements (MDR) within the sixty (60) day standard required for reporting by the 2005 AIR Facility System (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 USEPA policies and the ICR.

Status:

- d) Respond to complaints including those referred from USEPA. Inspections are conducted where necessary.
Status:
- e) IDEM will provide inspector and enforcement case development training to assigned staff. USEPA will provide compliance and enforcement support, guidance and make training available to IDEM staff.
Status:
- f) Prepare enforcement cases according to IDEM Compliance and Enforcement Response Policy (CERP) and guidance and USEPA'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 Policy for noncompliance with statutes, rules or permits.
Status:
- g) Participate in enforcement/settlement negotiation conferences and follow-up on the requirements of IDEM Agreed and/or Commissioners Orders.
Status:
- h) Participate in monthly compliance and enforcement calls with USEPA to discuss program planning, program progress, compliance and enforcement issues and HPV issues.
Status:
- i) Implement the Clean Air Interstate Rule (CAIR) annual trading program.
Status:

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 insure 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 USEPA 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 warning and violation letters/notice of violations (NOVs), and schools.
Status:
- b) Implement an annual CMS plan for inspections of licensed asbestos contractors.
Status:
- c) Respond to asbestos complaints including those referred from USEPA.
Status:
- d) Submit annual reports to USEPA 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, Agreed Orders, Referrals, State Court Orders/Decrees and penalties assessed.
Status:

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:
- 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 USEPA R5.
Status:
- 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:
- d) Investigate new analytical methods of testing through new equipment.
Status:
- e) Ensure adequate, independent QA audits of NAAQS monitors.
Status:
- f) Conduct precursor gases monitoring for PM_{2.5} and submit data to the Air Quality System (AQS).
Status:
- g) Conduct aethalometer monitoring.
Status:
- h) Operate, evaluate and improve monitoring procedures and data reporting of the PAMS monitoring in Northwest Indiana.
Status:
- 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:
- j) Rollout monitoring requirements for the revised Lead (Pb) Standard.
IDEM is required to establish monitoring at six (6) large lead-emitting industrial facilities.
 - Source-orientated sampling will be completed by January 1, 2010.
 - Three (3) 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 USEPA R5.Status:

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:

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

Status:

-
- c) Conduct RadNet monitoring in Indianapolis.

Status:

-
- d) IDEM and USEPA 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:

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:

-
- b) Work with Lake Michigan Air Directors Consortium (LADCO) and USEPA R5 to implement a Regional Monitoring Strategy.

Status:

-
- c) Begin the first five (5) year cycle network assessment required by July 1, 2010.

Status:

-
- d) Conduct data analysis to determine improvement, degradation, etc. of air quality (including at identified schools).

Status:

-
- e) Perform annual industry evaluations (systems audit).

Status:

-
- f) Review and update OAQ Quality Assurance Manual.

Status:

-
- 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:

-
- h) Produce daily and hourly ozone and PM
- _{2.5}
- data and maps to be posted on the Internet as per USEPA Ozone and PM
- _{2.5}
- Mapping Projects.

Status:

- i) Maintain Air Quality Index (AQI) reporting in designated cities.
Status:
- j) Certify NAAQS pollutant data in AQS and provide supporting documentation by the schedule in 40 CFR 58.
Status:
- k) Ozone, PM_{2.5} and meteorological data should be submitted to AIRNOW.
Status:

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:
- b) Deploy LEADS® at all continuous monitoring site locations.
Status:
- c) Provide current data from all active continuous monitoring sites to the public via the Agency Web site.
Status:
- d) Provide past data from active continuous monitoring sites and past data from recently discontinued sites.
Status:

Air Programs Branch

Ozone and PM_{2.5} Re-designation Petitions and Maintenance Plans			A-11
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 (8) months of quality assurance/quality control (QA/QC) of monitoring data.
Status:
- b) Final submittal to USEPA to be made within ten (10) months of QA/QC of monitoring data.
Status:
- c) USEPA will provide timely guidance, review and approval.
Status:

Preliminary Designation Recommendations for Lead			A-12
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 USEPA concerning lead standard.

- a) Provide initial recommendations by October 2009.
 - September 2009 ready for senior management review.
 Status:

Regional Haze State Implementation Plans (SIP)			A-13
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 Best Available Retrofit Technology (BART) limits by rule. The milestone deadlines are relatively aggressive and result in a preliminary submittal of a Regional Haze SIP to USEPA 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:
- b) Approval of BART submittal(s).
 - August 2009.
 - July - September 2009 submit to USEPA for informal review.
 Status:
- c) Second notice for BART limits and Warrick County SO₂ SIP.
 - September - October 2009.
 Status:
- d) Preliminary approval for BART limits and Warrick County SO₂ SIP.
 - January 2010.
 - IDEM will share technical analysis for ALCOA with USEPA and the Federal Land Managers (FLMs) by August 2009.
 Status:
- e) Final adoption of BART limits and Warrick County SO₂ SIP.
 - March 2010.
 Status:
- f) Public comment period for Regional Haze (RH) SIP, including BART rule:
 - February 2010 send draft RH SIP to FLMs for their sixty (60) day mandatory comment period.
 - February 2010 make available to USEPA for review.
 - March 2010 initiate RH SIP public comment period.
 - April 2010 hold public hearing on SIP with FLM responses.
 Status:
- g) Submit Regional Haze SIP, including complete BART rule.
 - June 2010 - IDEM senior management review.
 - August 2010 - Final submittal to USEPA January 15, 2011.
 Status:

NOTE: If USEPA concludes that BART must be analyzed and adopted for EGUs, Indiana will address this requirement under a separate schedule.

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 USEPA 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 USEPA's 2020 GPRA goals.

Status:

- 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, 2009.

Status:

- c) For the 2020 Universe facilities IDEM will achieve the following GPRA corrective action goals by September 30, 2011: 68% of the CA725, 59% of the CA750 and 33% of the CA550.

Status:

- d) IDEM will work with USEPA to establish specific goals for the land revitalization initiative.

Status:

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

IDEM Contact(s): Vic Windle USEPA Contact(s): Laura Lodisio Due Date: September 30, 2011

USEPA Role: Provide program assistance

Complete hazardous waste facility permitting actions in accordance with USEPA 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:

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

Status:

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: June 30, 2009-June 30, 2011

USEPA Role: Conduct inspections at, at least six (6) 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:

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

IDEM Contact(s): Rosemary Cantwell USEPA Contact(s): Lorna Jereza Due Date: June 30, 2009-June 30, 2011

USEPA Role: USEPA R5 will independently inspect the boiler and industrial furnace units at five (5) TSDs, and inspect two (2) additional operating TSDs for all permit requirements. 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:

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

Status:

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

IDEM Contact(s): Nancy Johnston USEPA Contact(s): Lorna M. Jereza Due Date: June 30, 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 USEPA's 2003 Hazardous Waste Civil Enforcement Response Policy.

Status:

Polychlorinated Biphenyl (PCB) Inspections L-6

IDEM Contact(s): John Crawford USEPA Contact(s): Kendall Moore Due Date: June 30, 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:

b) Conduct twenty-four (24) PCB inspections for FY10 and twenty-four (24) PCB inspections for FY11.

Status:

c) Participate in USEPA's current tablet computer and electronic inspection pilot program.

Status:

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

Status:

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:

- 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:

Rule Development			L-8
IDEM Contact(s): Mike Dalton	USEPA Contact(s): Laura Lodisio	Due Date: FY 2009 - 2011	
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:

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.

Status:

- b) Issue NPDES Permits to all CAFOs.

Status:

Water Quality

Impaired Waters List and Water Quality Report			W-1
Contact(s): a) MaryLou Renshaw & Andrew Pelloso b) 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. (USEPA PAM WQ-7)

Status:

- 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 thirty-eight (38) sites each in the Kankakee and Lower Wabash basins (76 total). Next sampling season (Summer 2010) IDEM will sample a minimum of thirty-eight (38) sites each in the Ohio River and Great Lakes tributaries (76 total). (USEPA PAM WQ-5)

Status:

Total Maximum Daily Loads (TMDLs)		W-2
Contact(s): a) & c) MaryLou Renshaw & Andrew Pellosso b) 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) TMDLs on waterbody segments – ninety (90) TMDLs will be developed during 2009 with the number for 2010 to be determined. (USEPA PAM WQ-8b)

Status:

- 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 maximum daily loads (TMDLs) and/or watershed plans. Depending on resources and following the plans outlined in the IDEM Monitoring Strategy, IDEM will do one to 10 (1-10) studies per sampling season. (USEPA PAM WQ-5)

Status:

Wetland and Stream Impacts		W-3
Contact(s): MaryLou Renshaw & James Robb	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:

Office of Water Quality (OWQ) Permits		W-4
Contact(s): a) Paul Higginbotham & Jerry Dittmer b) Paul Higginbotham & Beth Noel c) MaryLou Renshaw & James Robb	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 Pollution 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:

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

Status:

- Issue new Municipal NPDES Permits within statutory timeframes.

Status:

- 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:

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

Status:

- Issue new Industrial NPDES Permits within statutory timeframes.

Status:

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

Status:

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

Status:

Compliance Monitoring Strategy (CMS) for Wet Weather Programs, Combined Sewer Overflow (CSO) Long Term Control Plans (LTCP), Sanitary Sewer Overflow (SSO), and Stormwater **W- 5**

Contact(s): a) & b) Paul Higginbotham & Cyndi Wagner, c), Debbie Dubenetzky, d), e) & g) Marylou Renshaw & James Robb & f) TBD	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:

- b) IDEM addressed the remaining seven (7) State-lead CSO communities by October 31, 2008, a year in advance of the original schedule of 2009. Currently ninety-eight (98) CSO cities, or 92% of the one-hundred-seven (107) Indiana CSO communities, have been addressed. The remaining nine (9) 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:

- 1) Monitoring milestone dates in the LTCP through site visits, and review of documentation.
- 2) Monitoring compliance with limits (as applicable) through review of submitted monitoring reports.
- 3) Reviewing periodically the approved LTCPs.
- 4) Setting meetings (as needed) with communities and their consultants on the status of the implementation of the LTCPs.
- 5) Confirm, by September 30, 2009, the elimination of CSO outfalls within one (1) mile or less of drinking water intakes.

Status:

- 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:
- 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).
- 1) 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:
- 2) 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:
- 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:
- 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:
- 3) 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 Office of Land Quality Compliance Branch will conduct inspections.
Status:
- e) Evaluate all violations and take timely action in accordance with the State's NPDES enforcement management system.
Status:
- 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:
- 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:

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 Inspection (CSI) at 50% of major NPDES facilities annually. The goal is to inspect 100% of the universe every two (2) years.

Status:

- 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 (2) years.

Status:

- 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:

- Respond to 100% of complaints.

Status:

b) Industrial Pretreatment Compliance:

- Conduct nine (9) Industrial Pretreatment audits annually (20% of approved local pretreatment programs).

Status:

- Obtain training from USEPA 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:

c) Quality Assurance/Quality Control (QA/QC):

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

Status:

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:

- Monitor facilities on the Watch List and take action as appropriate.

Status:

- e) Evaluate all violations and take timely action in accordance with the State's NPDES enforcement management system.
Status:
- f) Enter compliance monitoring and compliance assurance actions into ICIS-NPDES in accordance with established data requirements and reporting timeframes.
Status:
- 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:
- 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:

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 SFY 2009
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:
- 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:
- 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:
- d) Monitoring and Reporting Violations - All public water system's (PWS's) 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:
- 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:

- f) Sanitary Surveys at Public Water Supply Systems - Complete sanitary surveys at public water systems consistent with SDWA and as outlined in the Annual Resource Deployment Plan (ARDP).

Status:

Surface Water Quality Monitoring Strategy		W-8
Contact(s): Lee Bridges & Syed Ghiasuddin	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. (USEPA PAM WQ-5)

Status:

- b) Revise and update the current (2006-2010) Water Monitoring Strategy for the 2011-2015 monitoring period. This would include improving compliance with the USEPA’s Guidance Elements of a State Monitoring and Assessment Program (Elements Guidance) to the extent possible, addressing USEPA’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. Tentative dates are for a draft strategy completed by November 2010 and for a final strategy completed by April 2011.

Status:

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

Status:

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

Status:

- e) Complete all activities funded by the FY09-10 monitoring initiative funds (specific activities identified in separate grant work plan including implementation of the national surveys and monitoring strategy activities). Provide separate reports on these activities. (USEPA PAM WQ-5)

Status:

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:

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

Status:

- c) Work collaboratively with USEPA 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:

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:
- 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:
- 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:
- d) Annually review and provide comments on the Indiana Strategy for Homeland Security.
Status:
- e) Participate in Homeland Security tabletop exercises.
Status:
- 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:

Indiana Water/Wastewater Agency Response Network (INWARN)**H-2**

Contact(s): Bruno Pigott

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:

- 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:

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 (8) locations.

Status:

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): Margaret Guerriero

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:

Voluntary 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 voluntarily reduce their carbon footprint.

Status:

- b) Reduce priority toxic chemicals by promoting the National Partnership for Environmental Priorities (NPEP) and P² opportunity assessments.

Status:

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:

- 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:

Municipal Energy Management Pilot Project			P-4
Contact(s): Rick Bossingham	USEPA Contact(s): Jerri-Anne Garl	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: