



IDEM Update

Wednesday, December 6, 2017

Partners for Pollution Prevention Quarterly Meeting

Jennifer Collins, Manager, Pollution
Prevention and Compliance Assistance
Section, Office of Program Support



IDEM Updates

Notable Staffing Changes

- Julia Wickard, IDEM OPS Assistant Commissioner
- Robert Lugar, IDEM OPS Deputy Assistant Commissioner
- Justin Paicely is no longer with the agency

Technical Changes

- IDEM's website has been "refreshed" – please review your saved links
- Office of Air Quality has moved its tracking system into TEMPO. Permit search online still in use but has a different background database.



Indiana Department of Environmental Management

Protecting Hoosiers and Our Environment Since 1986



IDEM's Compliance and Technical Assistance Program

CTAP
Compliance and Technical Assistance Program

Helping Indiana businesses become environmentally compliant.



The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. It is important to note the following about CTAP assistance:

- **Nonregulatory** – CTAP staff members are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP when requesting assistance.
- **Free and Confidential** – While CTAP staff members serve as liaisons between the regulatory programs and businesses, they do not provide any details about the company to regulators, as the information is protected under Indiana Code 13-28-3-4.



- **Assistance** – CTAP staff members provide assistance through on-site visits or via phone and will provide a full compliance review or just target a single issue. They also develop training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
- **Multimedia** – CTAP staff members are knowledgeable in air, water, land, and Community-Right-to-Know regulations and are happy to answer questions in these areas.

CTAP staff members provide assistance to businesses that contact them directly, are referred by regulatory inspectors or permit writers, or are impacted by a new U.S. Environmental Protection Agency or state regulation.

Contact us if you need assistance

Hotline: (800) 988-7901

Email: CTAP@idem.IN.gov

Website: www.idem.IN.gov/ctap



Regulatory Update

Compliance dates and Rulemaking

Angela Taylor, CTAP Small Business Liaison
Pollution Prevention and Compliance Assistance Section
Office of Program Support



Upcoming Compliance Due Dates

CTAP maintains a list of [compliance due dates](#) for Indiana businesses.

Annual Reports and Other Requirements

Industrial Storm Water Permitting (327 IAC 15-6, Rule 6):

The initial Storm Water Annual Report and certification checklist is required under general permit rule 327 IAC 15-6 and is due on the anniversary of the submission of the Notice of Intent (NOI) letter.

Municipal Separate Storm Sewer Systems (MS4s) (327 IAC 15-13, Rule 13):

MS4s are required to submit annual reports. These reports are due every year of the permit cycle for an MS4 in the first term of their permit.

Solid Waste:

Final sludge samples for non-delegated water Pretreatment Programs are due within 30 days of obtaining the analytical results.



Upcoming Compliance Due Dates

Annual Reports and Other Requirements

Air Permitting:

Annual Notifications:

Registrations - due no later than March 1

SSOA - due no later than January 30

MSOP - due no later than March 1

Annual Compliance Certification (ACC):

FESOP - for Clark, Elkhart, Floyd, Lake, Marion, Porter, St. Joseph, and Vanderburgh Counties, the ACC - due no later than April 15

FESOP - for all other counties - due no later than July 1

Title V (Part 70) - for Clark, Elkhart, Floyd, Lake, Marion, Porter, St. Joseph, and Vanderburgh Counties, the ACC - due no later than April 15

Title V (Part 70) for all other counties - due no later than July 1



Upcoming Compliance Due Dates

December 15:

Fourth quarter payment due for NPDES Annual Bill, if paying in quarterly installments.

December 31:

Organic Pollutant Monitoring Report due for delegated water Pretreatment Programs.

January 15:

- [Solid Waste Quarterly Reports](#) due.
- SSOA Air Permit annual fees are due 30 days after the invoice is generated. All invoices are generated by the 15th of the previous month.
- For hazardous waste, the [annual operation fee](#) is assessed by January 15 and due within 30 days of the invoice date for facilities that dispose, incinerate, store, treat, generate (LQG only), manage post closure activity, and/or manage groundwater compliance sampling.



Upcoming Compliance Due Dates

January 15:

- [Solid Waste Annual Operation](#) fee is assessed by January 15 and due within 30 days of the invoice date.
- [Waste Tire Annual Operation](#) fee is assessed by January 15 and due within 30 days of the invoice date.
- Solid Waste Management Fee Return has been combined with the Solid Waste disposal fee and is due quarterly (January 15, April 15, July 15, October 15). Forms will be mailed to applicable parties per the reporting schedule.

January 28:

- Quarterly Non-Compliance Report due for delegated water Pretreatment Programs (unless otherwise permitted to submit report in February).



Upcoming Compliance Due Dates

January 30:

- Air Quarterly Deviation and Compliance Monitoring Report due for October through December. Check your permit to determine if you are on a quarterly or semi-annual reporting schedule.
- Semi-Annual Air Compliance Monitoring Report due for July through December: Check your permit to determine if you are on a quarterly or semi-annual reporting schedule.
- Quarterly Air Permit Reports (e.g., usage reports) due for October through December.
- Annual Notification due for SSOA

January 31:

- [Composting Facility Annual Report](#) due and should be submitted electronically through the [Re-TRAC Connect](#) online reporting system.
- [Waste Tire Annual Report](#) should be submitted electronically through the [Re-TRAC Connect](#) online reporting system.



Rule and Policy Update

- Indiana General Assembly – Indiana Register Documents (December 1, 2016 to present):
<http://www.in.gov/legislative/register/irtoc.htm>
- IDEM, Office of Legal Council – Rules in Progress:
<http://www.in.gov/idem/legal/2334.htm>
- IDEM, CTAP – Regulatory Updates:
<http://www.in.gov/idem/ctap/2331.htm>



Environmental Rules Board

- Next Meeting / Public Hearing - January 10, 2018
- 1:30 PM in Conference Room A of Indiana Government Center South (IGCS) in Indianapolis, IN.
- To attend a meeting, use the public entrance at 10 North Senate Avenue to gain access to the building.



Title 318 – IDEM

No current active rules under this Title.

Title 326 - Air Pollution Control Division

Rulemaking Action: Asbestos Management Rules - [LSA #09-363](#)

Purpose is to clarify and update Indiana's existing asbestos management program rules and to ensure consistency in the program concerning the application, notification, and licensing procedures within [326 IAC 14-10](#) and [326 IAC 18](#).

Continuation of Comment Period: October 4, 2017 – November 3, 2017

Rulemaking Action: Outdoor Hydronic Heaters Revisions – [LSA #16-332](#)

Amendments to [326 IAC 4-3](#) concerning air emissions from outdoor hydronic heaters. The primary purpose of this rulemaking is to update 326 IAC 4-3 so there are no conflicts with the federal NSPS, at 40 CFR 60, Subpart QQQQ.

Final Adopted: October 11, 2017

Anticipated Effective: February 2018



Title 326 - Air Pollution Control Division

Rulemaking Action: NOx Emissions from Large Affected Units And Repeal of NOx Budget Trading Program - [LSA Document #15-414](#)

New rules to [326 IAC 10](#) concerning nitrogen oxide (NOx) emissions for the ozone season from large industrial boilers also known as non-electric generating units (non-EGUs), on the repeal of the nitrogen oxides budget trading program at [326 IAC 10-4](#), the Clean Air Interstate Rule (CAIR) at [326 IAC 24-1](#), [326 IAC 24-2](#), and [326 IAC 24-3](#), and on a change to the CAIR reference in the Regional Haze rule at [326 IAC 26-1-5](#).

Public Hearing/Preliminary Adoption: January 10, 2018

Rulemaking Action: Short Term Backup Units [LSA #16-309](#)

Amendment to rules at [326 IAC 2-1.1-3](#) to allow for the use of acceptable short term backup units or control devices as part of normal operations to qualify as an exemption and to be used in the process while repairs or maintenance are completed to the original equipment.

Second Comment Period: Anticipated December 2017



Title 326 - Air Pollution Control Division

Rulemaking Action: Volatile Organic Liquid Storage Tank Emissions [LSA #15-427](#)

Amendments to rules at [326 IAC 8-9](#) concerning stationary liquid storage vessels used to store volatile organic liquids that are located in Clark, Floyd, Lake, or Porter county.

Public Hearing/Preliminary Adoption: January 10, 2018

Rulemaking Action: Cross-State Air Pollution Rule and Clean Air Interstate Rule Repeal – [LSA #16-209](#)

Amendments to [326 IAC 24](#) and [326 IAC 26-1-5](#) concerning the federal Cross-State Air Pollution Rule (CSAPR), CSAPR Update Rule and repeal of the Clean Air Interstate Rule at [326 IAC 24-1](#), [326 IAC 24-2](#), and [326 IAC 24-3](#).

Effective: November 12, 2017



Title 326 - Air Pollution Control Division

Rulemaking Action: National Ambient Air Quality Standards for Ozone - [LSA #16-529](#)(F)

Amendments to [326 IAC 1-3-4](#) to revise the 8-hour ozone standard to 0.070 ppm and to make formatting corrections. U.S. EPA issued a revised primary and secondary NAAQS for ozone in the October 26, 2015, Federal Register (FR) published at 80 FR 65292

Effective - August 11, 2017

Rulemaking Action: United States Steel-Gary Works Sulfur Dioxide Emission Limitations [LSA #17-282](#)

Amendments to the sulfur dioxide emission limitations at [326 IAC 7-4.1-20](#) applicable to the United States Steel-Gary Works (USS) facility. The USS coke plant, including the coal handling facilities, coke oven batteries, coke byproducts recovery plant, coke oven desulfurization facility, and the #2 coke plant boiler house has ceased operation.

Adopted: October 11, 2017 Anticipated Effective: February 2018



Title 326 - Air Pollution Control Division

Rulemaking Action: Electronic Notice for Air Permits [LSA #17-395](#)

Amendments to rules at [326 IAC 2](#) concerning legal notice provisions for permits issued under the New Source Review (NSR) and Title V permit programs. IDEM proposes to convert to e-notice as the primary method of public notice for permitting and other affected actions, and revise its rules to be consistent with similar federal rule revisions.

First Comment Period: September 6, 2017 - October 6, 2017

Rulemaking Action: Lawrence Township, Dearborn County Redesignation to Attainment for the 2008 8-Hour Ozone Standard [LSA #17-432](#)

Amendments to [326 IAC 1-4-16](#) concerning redesignation of Lawrence Township in Dearborn County to attainment for the 2008 8-hour National Ambient Air Quality Standards for Ozone.

Public Hearing/Adoption: January 10, 2018



Title 326 - Air Pollution Control Division

Rulemaking Action: Emergency Rule - [LSA Document #17-477\(E\)](#)

Temporarily amends [326 IAC 1-4-16](#) to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 8-hour ozone standard. Statutory authority: [IC 13-14-8-1](#).

Effective October 16, 2017

Title 327 - Water Pollution Control Division

Rulemaking Action: CFR Update and Administrative Corrections and Updates [LSA #17-278](#)

Revisions to [327 IAC 1-1-2](#) concerning updates to references to the Code of Federal Regulations (CFR) to bring it up to date with the July 1, 2016, edition.

Public Hearing/Final Adoption: January 10, 2018



Title 327 - Water Pollution Control Division

Rulemaking Action: Drinking Water Clean Up Revisions - [LSA Document #17-442](#)

Amendments to several drinking water rules in [327 IAC 8](#). The 2016 final adopted Revised Total Coliform Rule has been reviewed by U.S. EPA with the resultant request for revisions to [327 IAC 8-2.4-1\(d\)\(3\)](#) and [327 IAC 8-2.1-3\(h\)\(7\)\(C\)](#). Additionally, this rulemaking includes three revisions requested after U.S. EPA's review of the Stage 2 Disinfectants and Disinfection Byproducts Rule and Long Term Enhanced Surface Water Treatment Rule in [327 IAC 8-2.6-11\(b\)\(2\)](#), [327 IAC 8-2.6-15\(a\)](#), and [327 IAC 8-2.6-18\(a\)](#).

Public Hearing/Adoption: January 10, 2018



Title 327 - Water Pollution Control Division

Rulemaking Action: Metals Criteria Revisions - [LSA Document #14 -58](#)

Amendments to rules at [327 IAC 2-1-6](#) and [327 IAC 2-1.5-8](#) to revise Indiana's aquatic life and human health ambient water quality criteria (WQC) for select metals. Revisions to criteria reflect updates based on current science and many are National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the Clean Water Act (CWA).

Second Comment Period November 15, 2017 - January 2, 2018

Title 328 – Underground Storage Tank Financial Assurance Board

Rulemaking Action: Notice of Final Readoption IC 13-14-9.5 – [LSA #17-227](#)

Readoption of Rules in Title 328 under [IC 13-14-9.5](#)

Effective: July 29, 2017



Title 328 – Underground Storage Tank Financial Assurance Board

Rulemaking Action: Excess Liability Trust Fund (ELTF) – [LSA #15-231](#)

Public Law 96-2016 amended ELTF statutory definitions in [IC 13-11-2](#) and ELTF eligibility, claim, and administrative requirements in [IC 13-23](#) with the goals of expanding eligibility criteria, increasing the maximum amount of ELTF payments, and improving the overall administration of the ELTF program. In this rulemaking, IDEM will comport the requirements in [328 IAC 1](#) with the legislative changes in Public Law 96-2016 and make other minor amendments to correct inaccurate or outdated rule language.

Preliminarily Adopted: August 10, 2017

Next Step: Third Comment Period – Anticipated December 2017



Title 329 - Solid Waste Management Division

Rulemaking Action: Underground Storage Tanks – [LSA #16-204](#)

U.S. EPA made changes to 40 CFR 280 and 40 CFR 281 concerning underground storage tanks, publishing in the Federal Register on July 15, 2015 (80 FR 41565). In order to maintain state program approval, [329 IAC 9](#) must be amended to be at least as stringent as 40 CFR 280.

Preliminarily Adopted: October 11, 2017

Anticipated Final Adoption: January 10, 2018

Rulemaking Action: Waste Tire Management – [LSA #17-279](#)

Amendments to rules at [329 IAC 15](#) concerning waste tire management and legitimate use of waste tires.

Comment Period: June 7, 2017 – July 7, 2017

Next Step Second Comment Period (TBD)



Featured Topics

Hazardous Waste Generator Improvements Rule

The U.S. Environmental Protection Agency (U.S. EPA) administrator signed the final Hazardous Waste Generator Improvements (HWGI) rule on October 28, 2016. It was published in the [Federal Register](#) on November 28, 2016, and it became effective federally on May 30, 2017.

The HWGI rule contains over 60 changes to the hazardous waste program, and IDEM proposes to adopt the entire rule without significant revisions. The U.S. EPA's [Final Rule: HWGI](#) webpage has more information, guidance, and frequently asked questions about the rule.

Since Indiana is authorized for the RCRA program, the HWGI rule will not be effective until it is adopted as a state rule in Indiana. IDEM has initiated the process to adopt the rule, but does not expect it to be in place for several months. When the adoption process has started, you can view its progress on the [Title 329 Rulemaking](#) webpage. Send any questions about the HWGI rule to the IDEM [OLQ regulatory reporting staff](#) or the IDEM [Compliance and Technical Assistance \(CTAP\)](#) staff.



Featured Topics

DC Circuit Court Rules on RCRA Definition of Solid Waste

On July 7, 2017, the D.C. Circuit Court ruled on challenges to the Environmental Protection Agency's regulatory definition of solid waste (DSW) as amended in 2015. The [court ruling](#) addressed two major components of the DSW rule: the verified recycler exclusion was vacated, except for its emergency preparedness provisions and its expanded containment requirements, and the legitimacy criteria dubbed "factor 4" was vacated.

Indiana adopted the DSW rule effective November 5, 2016, and IDEM is evaluating the impact of this ruling to hazardous waste generators and treatment, storage, and disposal facilities. It appears that it currently affects a very small number of facilities. The current federal regulations remain in effect until the Court issues a final mandate. Parties to the court case were given until October 21, 2017 to file motions regarding the ruling. Please email any questions to olqregulatoryreporting@idem.in.gov.



Featured Topics

December 11, 2017 – U.S. EPA Public Meeting on Amended TSCA

The U.S. EPA will hold a public meeting to discuss possible approaches for identifying potential candidate chemicals for U.S. EPA's prioritization process under TSCA. The meeting agenda and additional materials are available in the link below and in docket EPA-HQ-OPPT-2017-0586 at <http://www.regulations.gov>.

Written comments must be submitted to the docket on or before January 25, 2018.

Date: The meeting will be held on December 11, 2017 from 8:30 AM to 5 PM.

Register for remote or in-person participation: The meeting will be available by remote access for registered participants. The U.S. EPA is requesting that participants register for the meeting not later than December 10, 2017.

- [Register online for the meeting](#)
- [Read the Federal Register Notice announcing the meeting](#)
- [Agenda and meeting materials](#)



Environmental Management



The next training module is coming soon!

- The Tanks, Spills, and Emergency Response module is our next E101 training.
- The first training session in central Indianapolis will be scheduled for early 2018, with additional dates to follow.
- Sign up will begin in January. Please visit the [website](http://www.in.gov/idem/ctap/2471.htm) for additional information, and watch for email blasts from Leanne Whitesell.



<http://www.in.gov/idem/ctap/2471.htm>



Questions About This Presentation?



ANGELA TAYLOR

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