



# IDEM Update

Midwest Environmental Compliance Conference  
November 2, 2016

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Indiana Department of Environmental Management

# Indiana: The State that Works!

In the past three years:

- Indiana has added almost 161,800 new jobs since January 2013 and reduced the unemployment rate from over 8% to just 4.5%
- Indiana consistently ranks in the top 10 best states in which to do business



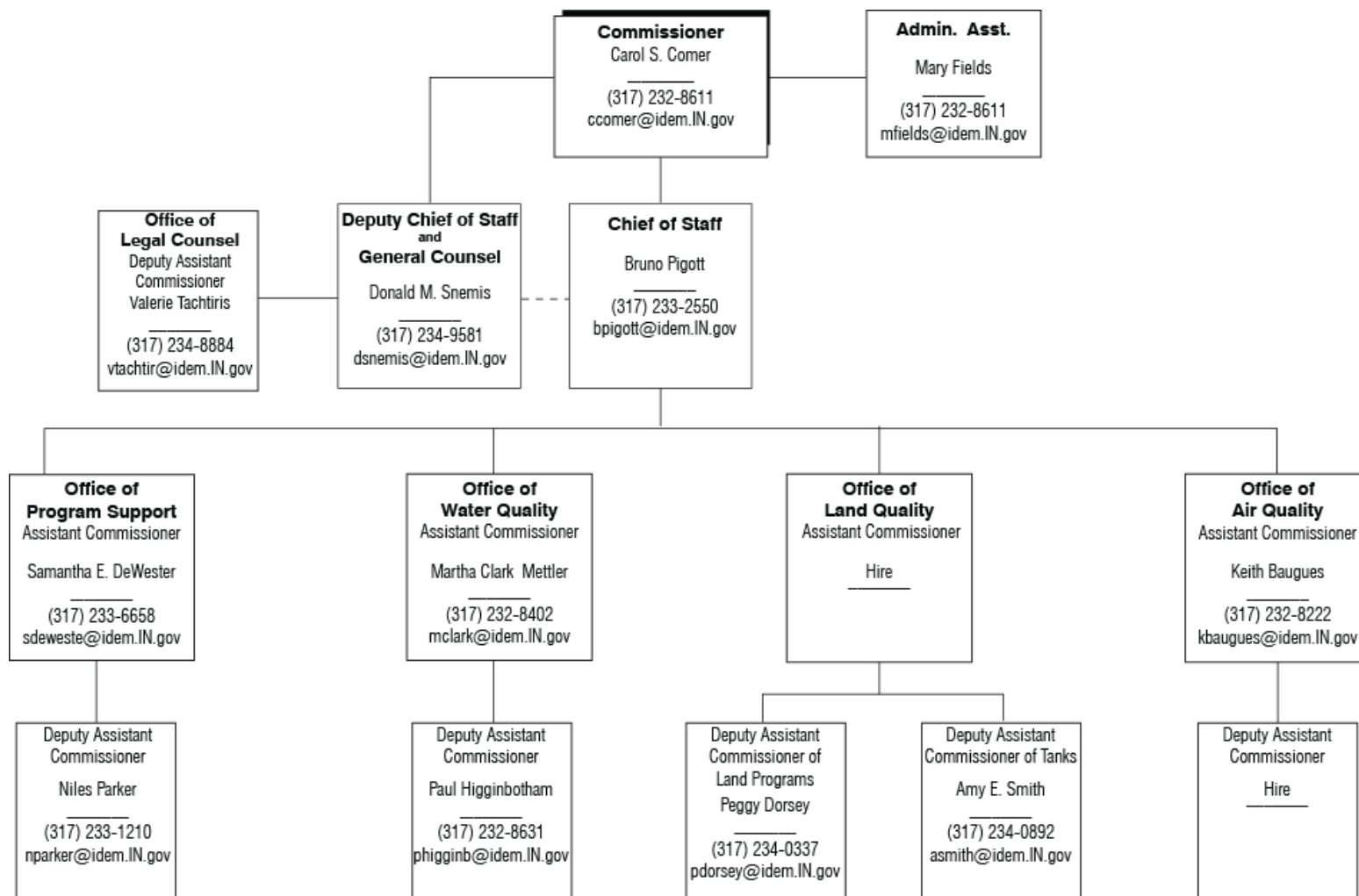
## Protecting Hoosiers and Our Environment While Becoming a Customer-Friendly Environmental Agency

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

## How Does IDEM Protect Hoosiers and Our Environment?

- Developing regulations and issuing permits to restrict discharges to environmentally safe levels.
- Inspecting and monitoring permitted facilities to ensure compliance with the permits.
- Using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations.
- Educating people on their environmental responsibilities.
- Cleaning up contaminated sites to eliminate public exposure to toxics and returning properties to productive use.

# IDEM Leadership





# Performance Metrics June 2005

Quality of Hoosiers' Environment		Result		Target	Comments
% of Hoosiers in counties meeting air quality standards		61%	100%	80%	12 counties and 2,408,571 of 6,195,643 residents above standard
% of CSO Communities with approved programs to prevent the release of untreated sewage		4%	100%	20%	75% by 2007 is goal
<b>Permitting Efficiency</b> Total calendar days accumulated in issuing environmental permits, as determined by state statute*					
Land		100,013	66,565	86,864	
Air		511,000	207,000	385,000	
Water		301,000	48,000	200,000	
* Places emphasis on back logged permits					
<b>Compliance</b> Total percentage of compliance observations from regulated customers within acceptable compliance standards*					
Inspections		95.46%	97%	75%	
Self reporting		97.11%	99%	95%	
Continuous monitoring (COM)		99.19%	99.90%	98.95%	
* Tracks observations and not just inspections					
<b>Organizational Transformation</b> Budgetary agency dollars spent on <b>key</b> outside contracts for core agency functions.					
Dollars spent on outside services per year		\$6,179,367	\$0	\$3,447,017	6



# Performance Metrics Oct. 2016

	Result	Targets		Comments
Quality of Hoosiers' Environment				
% of Hoosiers that live in counties that meet <b>air quality standards</b>	93.04%	100%	80%	Ozone in Clark, Floyd, Greene and LaPorte Counties; Sulfur Dioxide in parts of Daviess, Marion, Pike and Vigo Counties.
% of <b>CSO Communities</b> with approved programs to prevent the release of untreated sewage	98.17%	100%	90%	98+9 (107) out of 99+10 (109). Not Gary and Hammond.
% of Hoosiers that receive water from facilities in full compliance with <b>safe drinking water standards</b>	98.49%	99%	95%	Due to the implementation of Stage2 Disinfection/Disinfectant ByProducts Rule affecting medium and small size public water systems that sell and purchase water, the Maximum Contaminant Level (MCL) for Total Trihalomethane and Haloacetic Acid cannot be met.

# Performance Metrics Oct. 2016

## Permitting Efficiency

Total calendar days accumulated in issuing environmental permits, as determined by state statute\*

	Result	85%	95%	Statutory Allowable Days
Land	25,045	30,388	33,963	35,750 statutory
Air	32,658	52,890	59,112	62,223 statutory
Water	36,380	65,153	72,818	76,650 statutory

\* Places emphasis on back logged permits

## Compliance

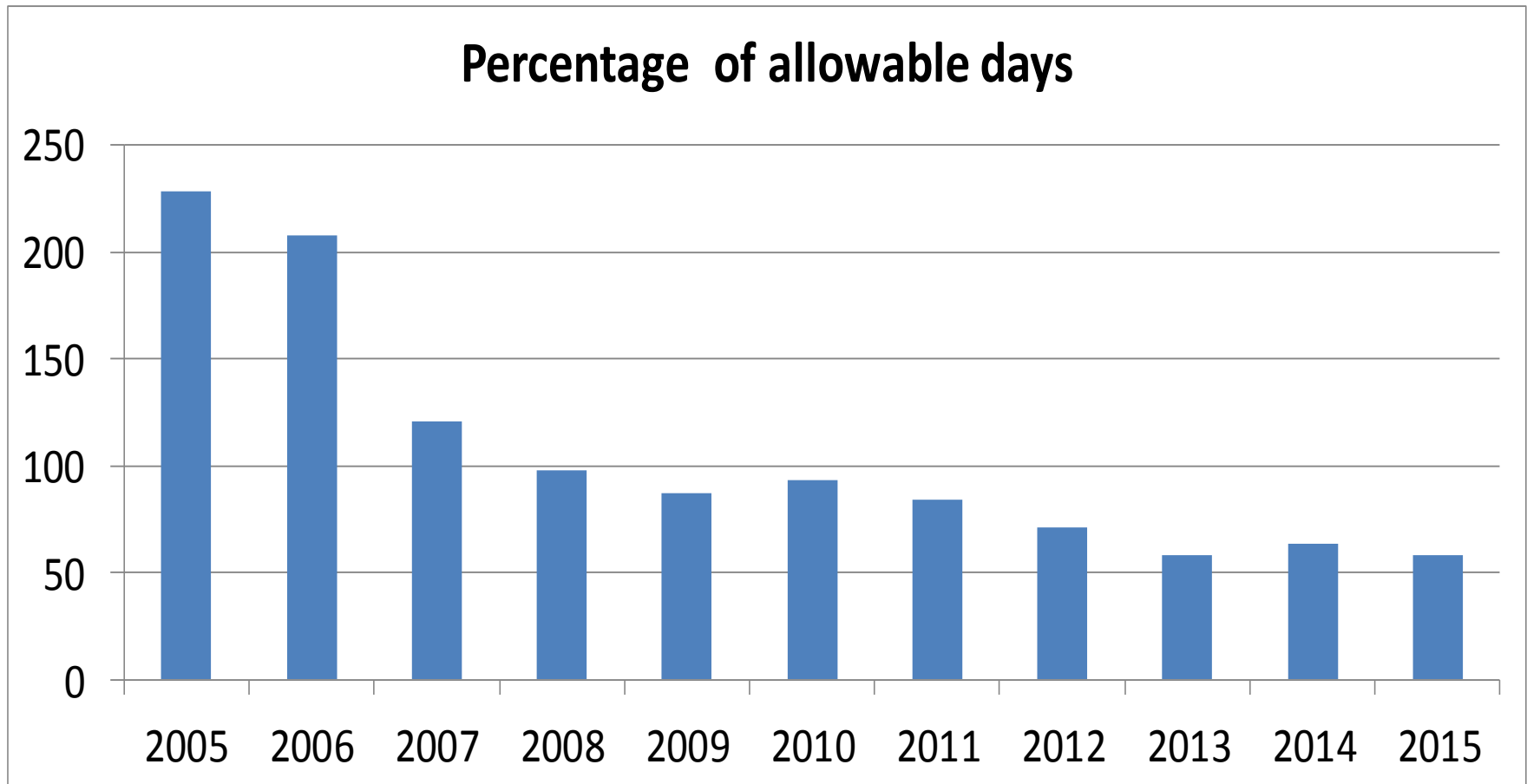
Total percentage of compliance observations from regulated customers within acceptable compliance standards\*

	Target	Upper Target	Lower Target
Inspections	97.15%	97%	75%
Self reporting	98.36%	99%	95%
Continuous monitoring (COM)	99.92%	99.9%	99%

\* Tracks observations and not just inspections

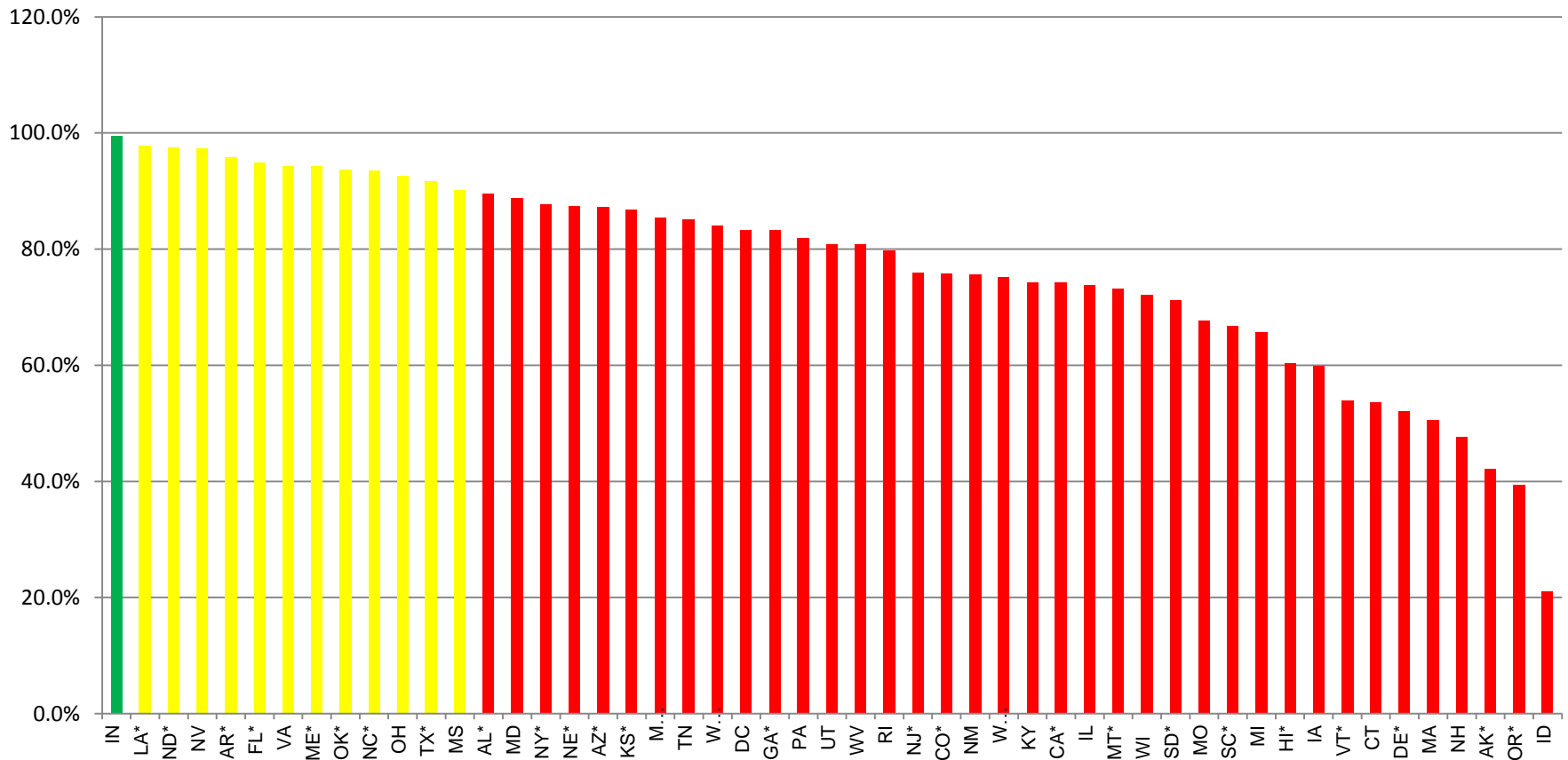


# Permits – Percent of Statutory Days

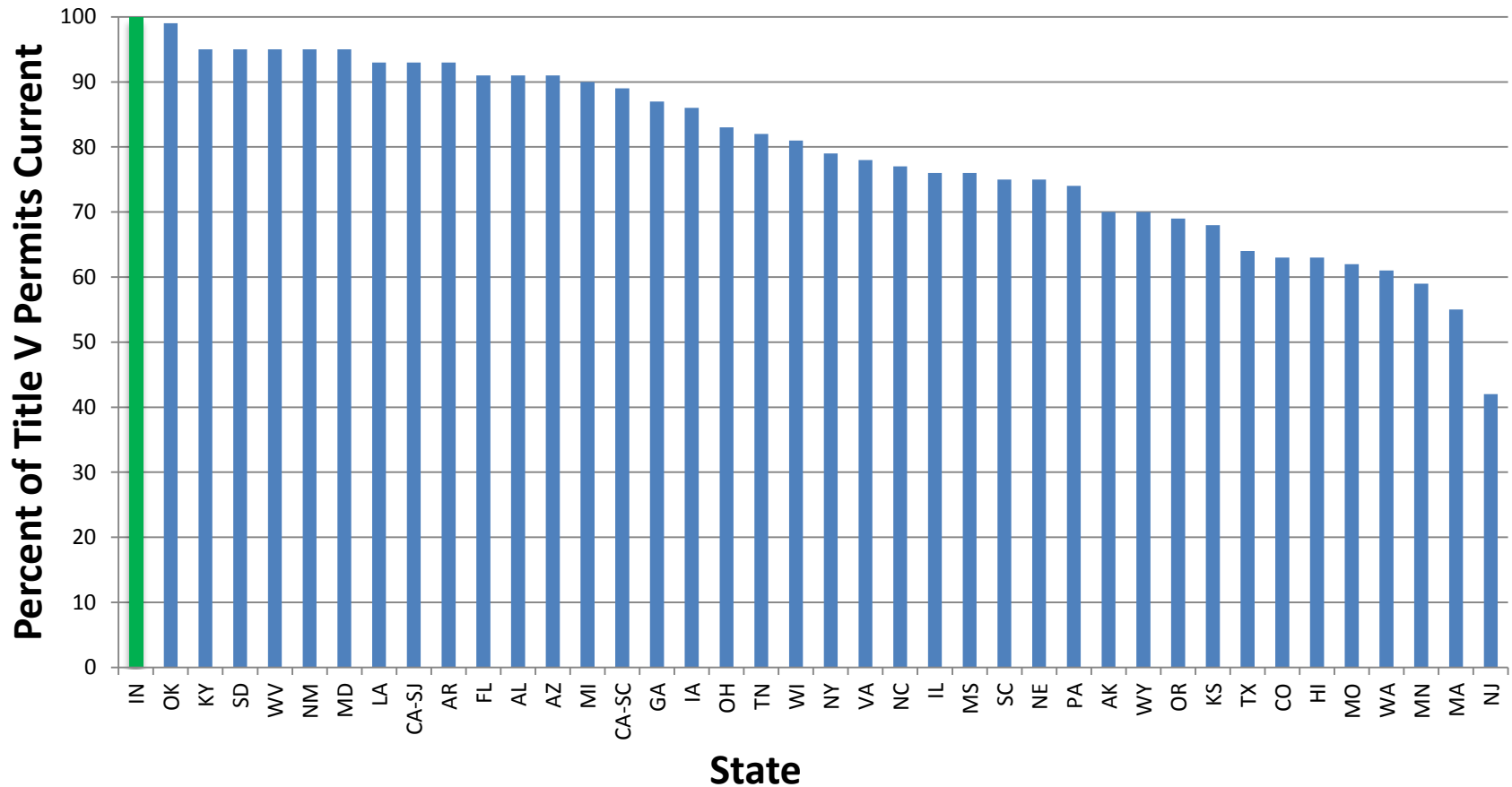


# Indiana is Best in NPDES Permitting

## Total % Current Wastewater Permits



# Indiana is Best in Air Permitting



# IDEM Inspects Facilities Regularly

- Full compliance evaluations of Part 70 sources once every two (2) years;
- Full compliance evaluations of all Federally Enforceable State Operating Permits once every five (5) years;
- Inspect all Treatment, Storage and Disposal Facilities every two (2) years;
- Compliance inspections at all Confined Animal Feeding Operations every five (5) years;
- Inspect each underground storage tank once every three (3) years;
- Inspect each major and minor NPDES Permitted facility every two (2) years; and
- Inspect each general permitted facility every four (4) years.

## ***WATCHDOG REPORT:***

***New York and other states have  
fallen far behind schedule in scrutiny  
of Clean Water Act facilities***

“In Indiana, where pollution review rules apparently are observed, **91 percent** of all facilities have been inspected in the last five years. In West Virginia, only 25 percent have been inspected.”



Press and Sun-Bulletin, July 3, 2014.



## Compliance and Technical Assistance

- The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. CTAP is:
  - **Non-Regulatory** – CTAP staff are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP staff when requesting assistance.
  - **Free and Confidential** – While the CTAP serves as a liaison between the regulatory agencies and businesses, no details about the company working with CTAP is provided to regulators, as the information is protected under Section 507 of the Clean Air Act.
  - **Assistance** – CTAP provides assistance through an on-site visit or via phone and will provide a full compliance review or just target a single issue. It also develops training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
  - **Multi-Media** – While most of the assistance provided is related to air regulations, staff also provides assistance related to water, land and Community Right to Know regulations.
- CTAP provides assistance to businesses that contact it directly, to businesses referred to it by regulatory inspectors or permit writers, and to businesses that CTAP identifies as impacted by new EPA or state regulations.

Contact us if you need assistance

Hotline: 800-988-7901

Email: [CTAP@idem.in.gov](mailto:CTAP@idem.in.gov)

Website: <http://www.in.gov/idem/ctap/>



## Voluntary Recognition Programs for Businesses

Goals: Promote pollution prevention & achieve measurable reduction of pollution in Indiana



- Eligibility contingent on:
  - Good environmental compliance standing
  - Partners Pledge
- Quarterly Networking meetings
- Innovation sharing
- 95 Members
- [partners@idem.in.gov](mailto:partners@idem.in.gov)
- Eligibility contingent on:
  - Established Environmental Management System & ISO Certification
  - Good environmental compliance standing
  - Commitment to continuous environmental improvement
- Regulatory Incentives
- 54 Members
- [esp@idem.in.gov](mailto:esp@idem.in.gov)

For more information, contact us at one of the e-mails above or call 1-800-988-7901

## Enforcement Statistics:

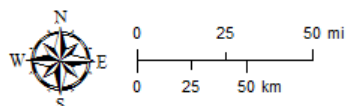
Media	2013	2014	2015
Air	81	117	112
Water	95	84	47
Hazardous Waste	31	34	23
Solid Waste	16	20	22
UST/LUST	12	30	15
CFO	12	23	22
<b>TOTAL</b>	<b>247</b>	<b>308</b>	<b>241</b>



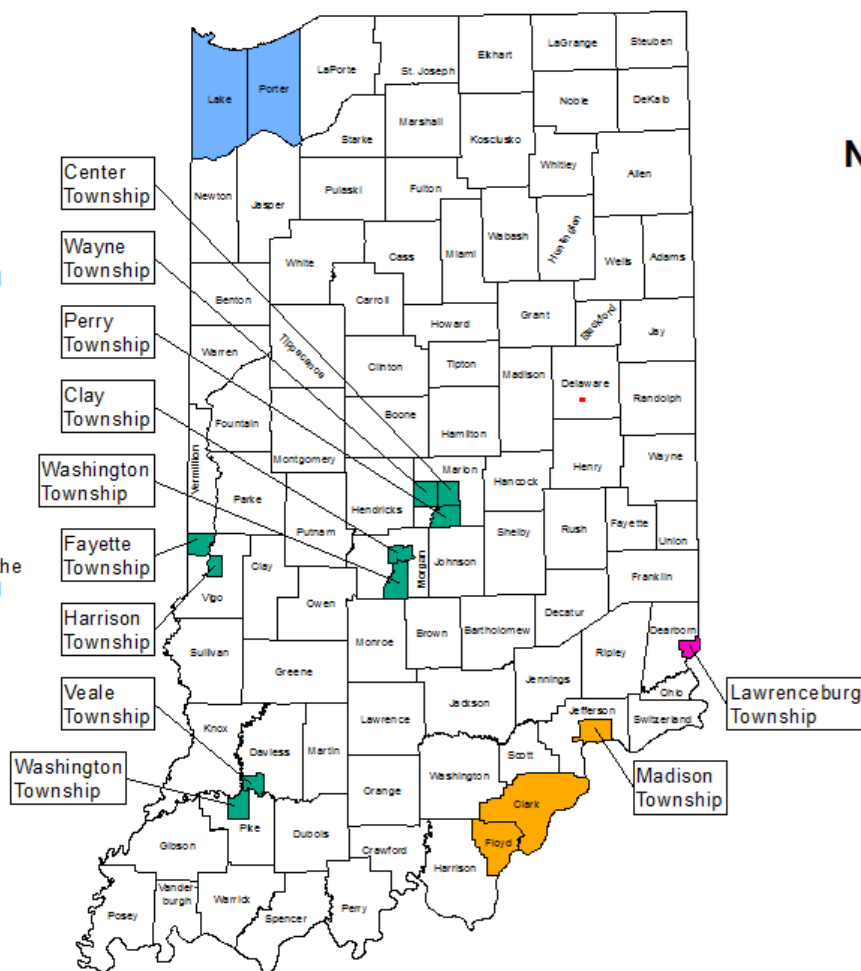
# Current Air Quality

## Legend

- Nonattainment for the 1997 Fine Particle Annual Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard
- Nonattainment for the 2010 SO<sub>2</sub> 1-Hour Standard
- Nonattainment for the 2008 Lead Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard and the 1997 Fine Particle Annual Standard



**Mapped By:** B. Callahan, OAQ  
**Date:** 03/18/2015  
**Source:** IDEM  
**Map Projection:** UTM Zone 16 N  
**Map Datum:** NAD83



## Current Nonattainment Areas

# Current Air Quality

- Nonattainment areas include:
  - Ozone Standard (Lake and Porter counties, based on Chicago's air quality).
  - SO<sub>2</sub> 2010 Standard (parts of Daviess, Marion, Morgan, Pike, and Vigo counties)
  - PM<sub>2.5</sub> 1997 Standard (Clark, Floyd counties and parts of Jefferson and Dearborn counties)
  - Lead 2008 Standard (part of Delaware County)
  - Ozone 2008 Standard (part of Dearborn County)
- All nonattainment areas, with the exception of SO<sub>2</sub>, are anticipated to be redesignated to attainment by the end of 2016.

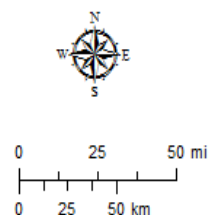
# Ozone

- 10/1/2015 revised standard promulgated (0.070 ppm).
- 10/1/2016 states submit designation recommendations.
  - Based on monitored data within Indiana, all counties will be recommended as attainment.
  - 2016 monitor data within the Chicago-area and Cincinnati-area will need to be closely observed.
- 10/1/2017 U.S. EPA finalizes area designations.

# Ozone

## Legend

- Ozone Design Value Less Than or Equal to 0.070 ppm
- Nonattainment for the 2008 8-Hour Ozone Standard



### Notes:

- Posted Data Are in Units of Parts per Million (ppm)
- Posted Data Represent Ozone 8-Hour Average Design Values, 2013 - 2015

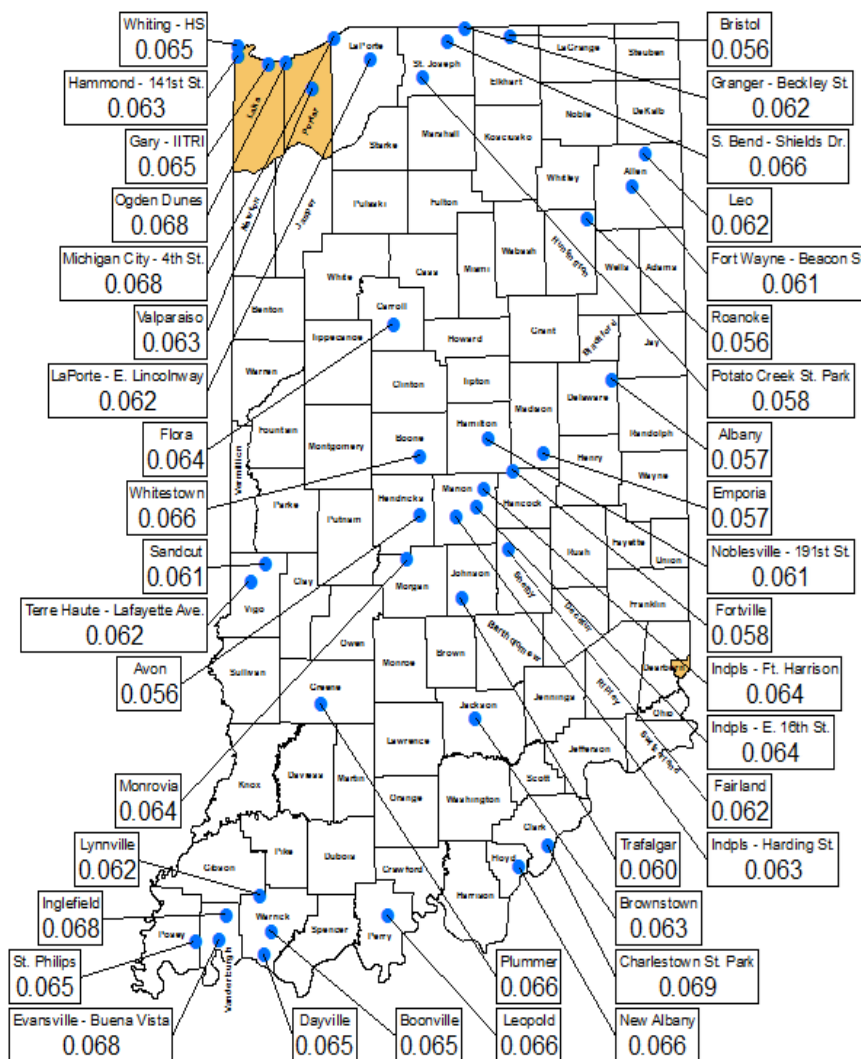
Date: 03/30/2016

Mapped By: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

Map Datum: NAD83



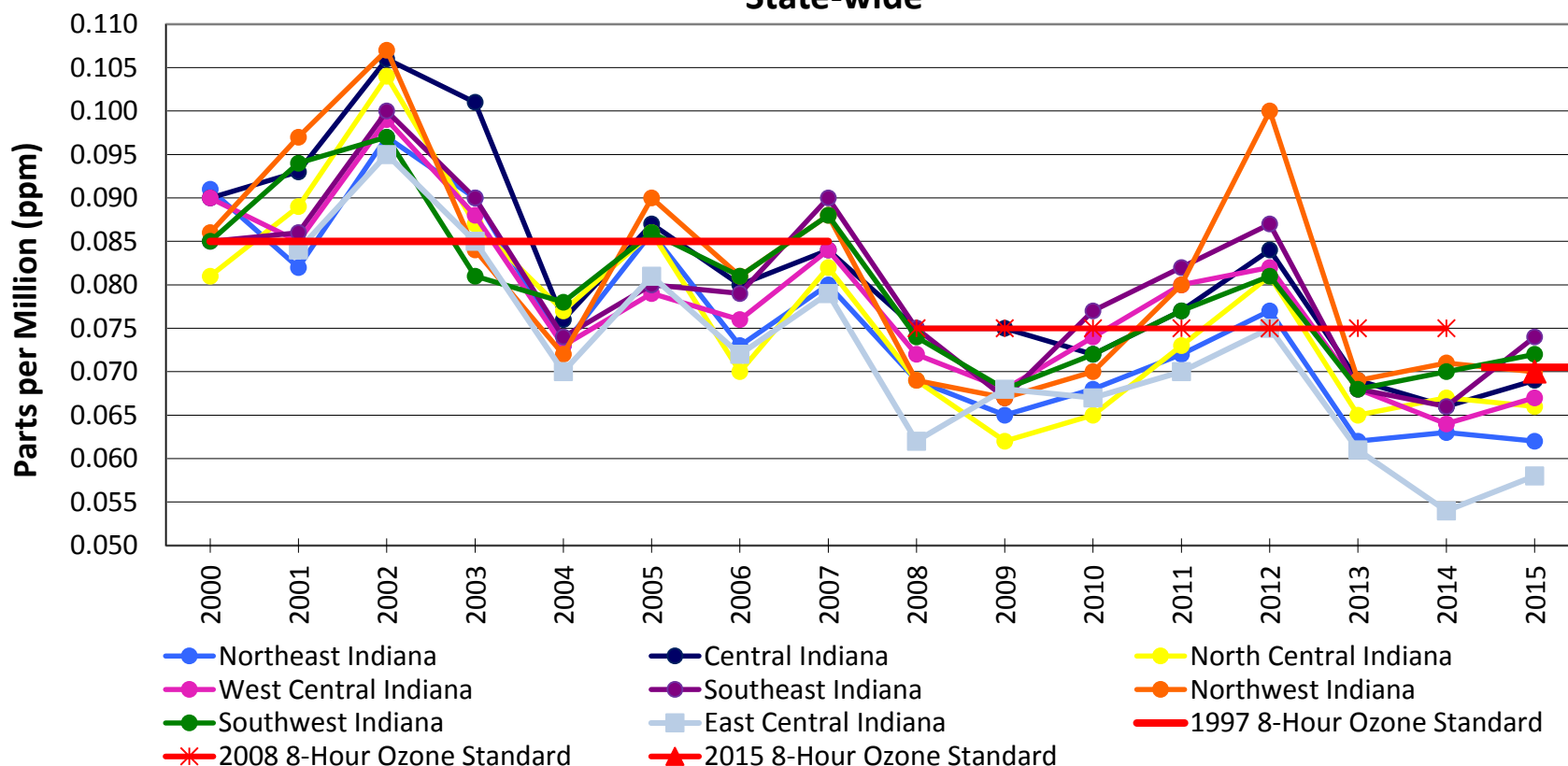
**Ozone 8-Hour  
Design Values  
(3-Year Average  
4<sup>th</sup> High Daily  
Maximum)**

**Based on  
2013 - 2015  
Monitoring Data**

*Standard set at  
0.070 ppm*

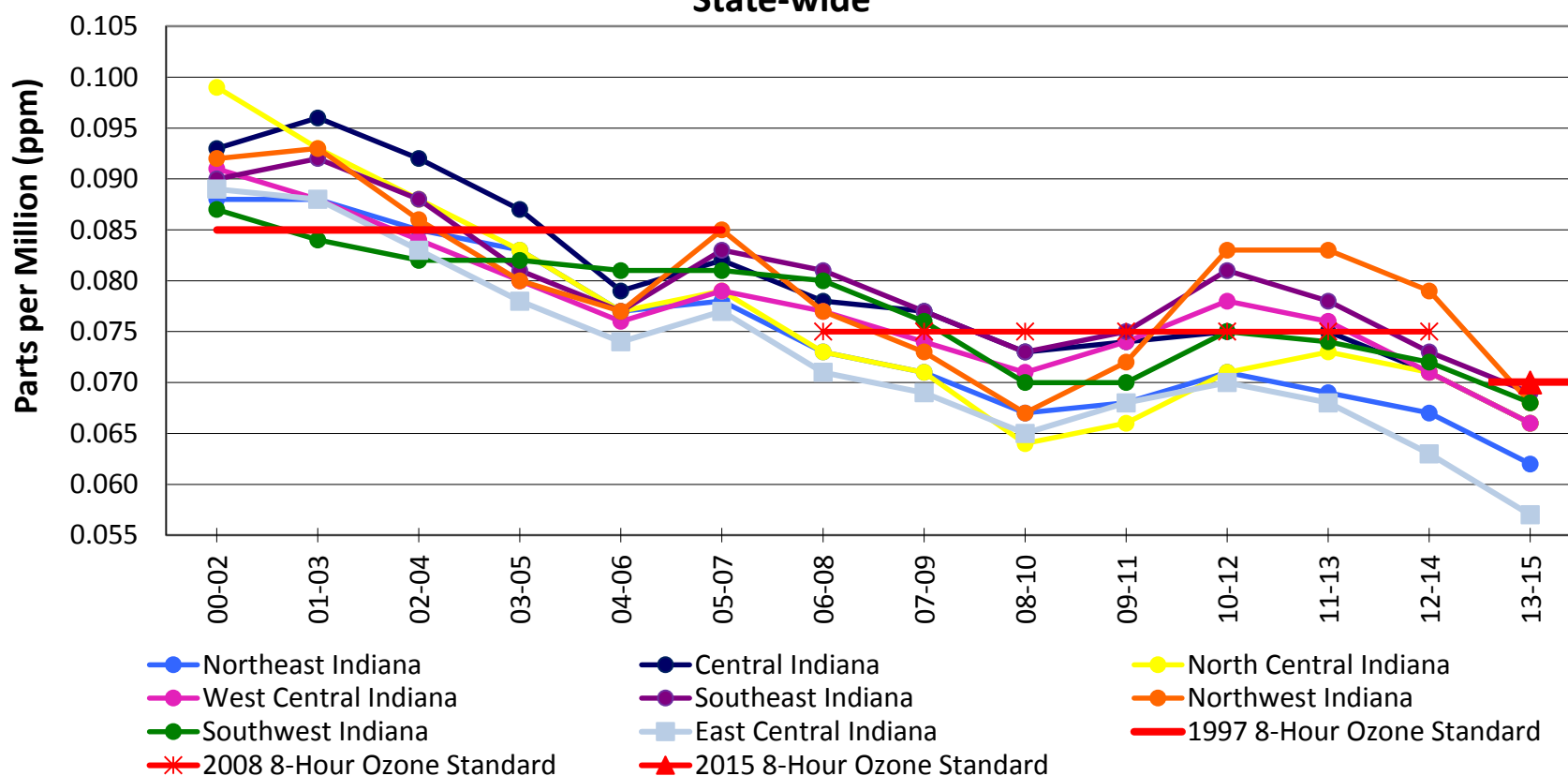
# Ozone

**Ozone 4<sup>th</sup> - High Values Monitor Trend Chart  
State-wide**



# Ozone

**Ozone Design Values Highest Monitor Trend Chart  
State-wide**



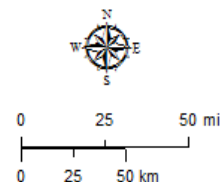
# Sulfur Dioxide

## Legend

● SO<sub>2</sub> Monitor With  
Design Value Less Than  
or Equal to 75 ppb

✚ SO<sub>2</sub> Monitor With  
Design Value Greater  
Than 75 ppb

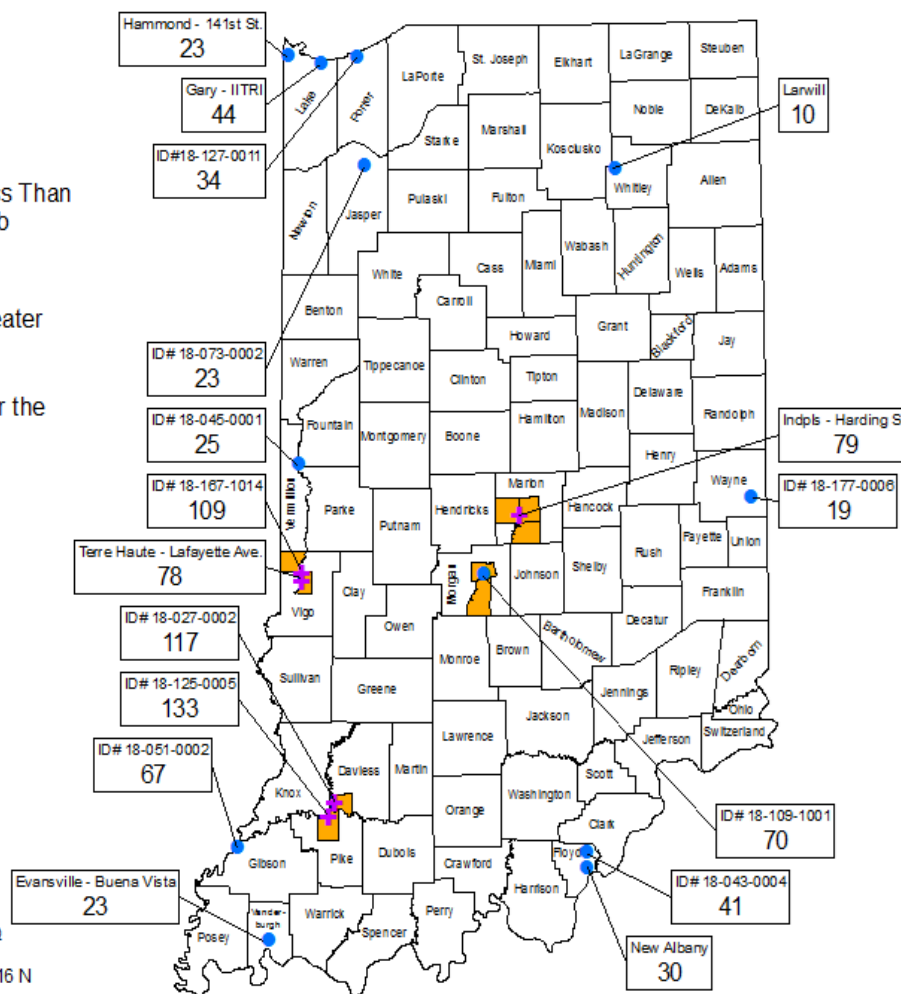
■ Nonattainment for the  
2010 1-Hour  
SO<sub>2</sub> Standard



### Notes:

- Posted Data Represent  
1-Hour Average Design  
Values, 2013 - 2015  
- Posted Data are in  
Units of Parts Per Billion  
(ppb)

Date: 03/30/2016  
Mapped by: C. Mitchell, OAQ  
Sources: Office of Air Quality  
Map Projection: UTM Zone 16 N  
Map Datum: NAD83



SO<sub>2</sub> 1-Hour  
Design Values  
2013 - 2015

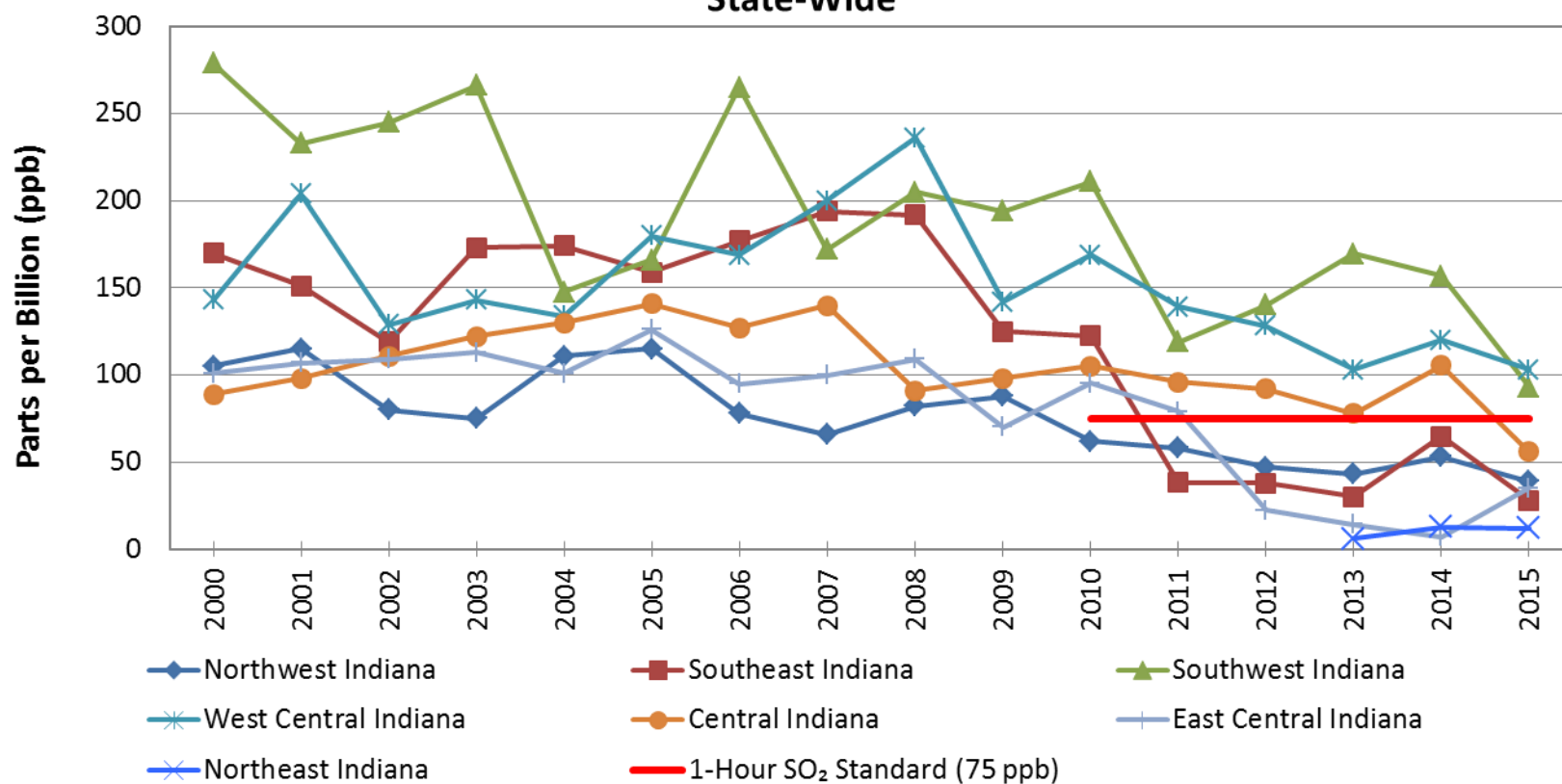
and  
SO<sub>2</sub>  
Nonattainment  
Areas

Standard Set at  
75 ppb

County	Nonattainment Area
Marion	Center Township
	Perry Township
	Wayne Township
Morgan	Clay Township
	Washington Township
Daviess	Veale Township
Pike	Washington Township
Vigo	Fayette Township
	Harrison Township

# Sulfur Dioxide

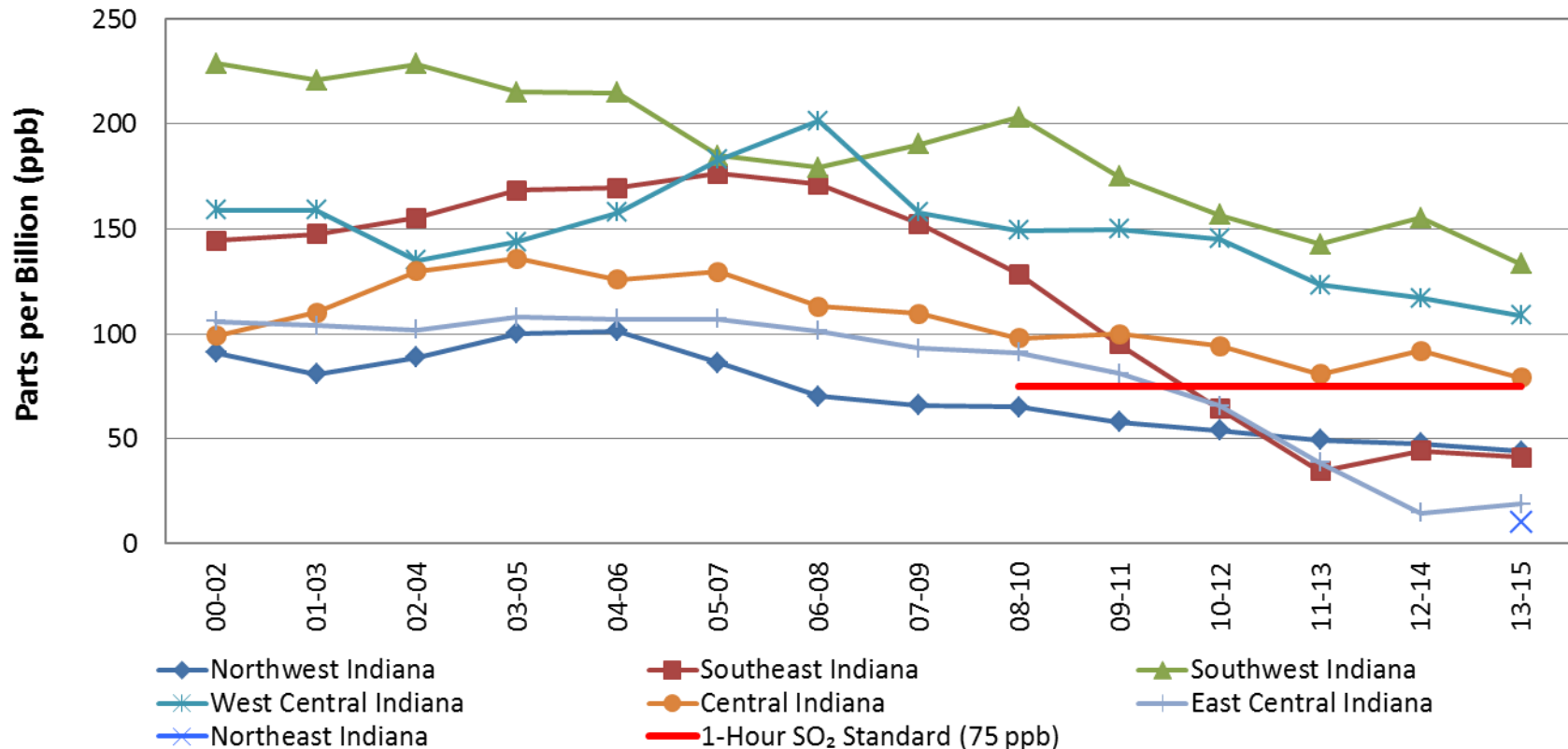
SO<sub>2</sub> 4<sup>th</sup> - High Value Highest Monitor Trend Chart  
State-Wide





# Sulfur Dioxide

**SO<sub>2</sub> 1-Hour Design Value Highest Monitor Trend Chart  
State-Wide**



# 2016 Legislation

- Excess Liability Trust Fund
  - Clarifies eligibility requirements for fund access.
- Legitimate Use of Waste
  - Allows for the legitimate use of solid and hazardous waste.

# Coal Combustion Residuals

- The federal rules are self-implementing with enforcement through citizen suits
- IDEM already regulates CCR landfills and CCR surface impoundments at closure
- IDEM passed an emergency rule in February 2016 to provide IDEM authority to regulate surface impoundments containing CCR

## Coal Combustion Residuals (cont.)

- In August, the Environmental Rules Board incorporated the federal rules by reference in regular rulemaking, which will go into effect in December
- The emergency rule will be extended to bridge the gap
- IDEM is working through the Solid Waste Management Plan process to align Indiana's rules with minimum federal requirements

# Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.

[www.in.gov/idem/files/npd-waste-0067.pdf](http://www.in.gov/idem/files/npd-waste-0067.pdf)

# Technical Review Panel

- Pilot Project for Resolving Technical Disputes
- Applies to State Cleanup and VRP sites
- Panel Composed of Subject Matter Experts within IDEM but outside of Remediation Program
- Available once internal review concurs there is an impasse and the consultant requests review by the Panel

# Lead in Drinking Water

- In January and February, IDEM requested an update from all 789 community public water systems regarding the locations of their lead service lines. The responses are available on IDEM's virtual file cabinet.
- During the most recent legislative session, the Indiana General Assembly passed SEA 93 which provides that schools are to be supplied safe drinking water from their public water system.
- When systems have a lead exceedance, a certified copy of the lead consumer notification and public education materials sent to ratepayers must be submitted to IDEM in accordance with the federal rule, and the notification will be posted to IDEM's virtual file cabinet.
- IDEM has taken steps to improve the administration of the drinking water program by developing and implementing "lab-to-state" wherein certified laboratories submit their drinking water sampling results electronically.

# Clean Power Plan

- Opposed and challenged by the State of Indiana
- Indiana's 2012 baseline CO<sub>2</sub> emissions are 2021 lbs. CO<sub>2</sub>/MWh (megawatt hours).
- Under the CPP, Indiana EGUs will be required to reduce CO<sub>2</sub> emissions to 1242 CO<sub>2</sub>/MWh, a reduction of 38.5 percent.
- Stayed by the Supreme Court
- Oral Argument heard by the 10-member D.C. Circuit *en banc* on September 27, 2016 for 6+ hours.
- The State of Indiana is investing no additional resources into the CPP until the litigation is resolved.



# Waters of the United States

- Expanded WOTUS rule opposed by Indiana
- Stayed by the Sixth Circuit Court of Appeals
- Jurisdictional issues raised to the Supreme Court – cert. petition is pending
- Merits briefing scheduled to end in February 2017
- Indiana continues to apply the traditional WOTUS rule
- *Hawkes* ruling on jurisdictional determinations may lead to new administrative appeals

# Questions?

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