



IDEM Regulatory Update

Environmental Stewardship Program

Annual Meeting

July 21, 2022

Turkey Run State Park





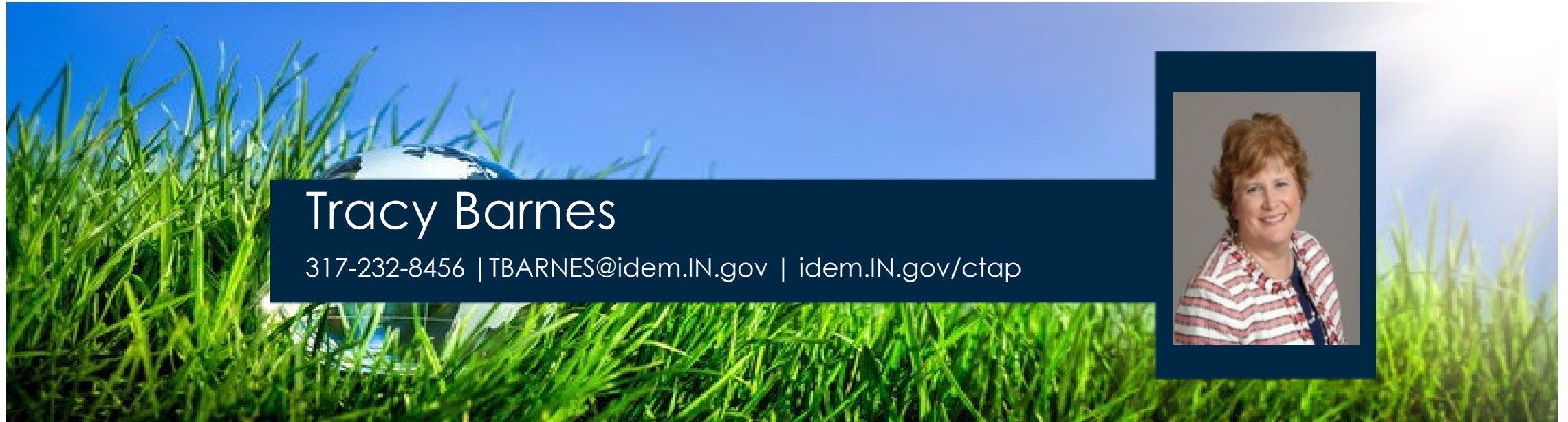
Chrystal Wagner

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CTAP Senior Environmental Manager

Indiana Department of Environmental Management
Office of Program Support
Pollution Prevention and Compliance Assistance Section
Compliance and Technical Assistance Program (CTAP)



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CTAP Senior Environmental Manager



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IDEM's Compliance and Technical Assistance Program



Compliance and Technical Assistance Program

Indiana Department of Environmental Management

Helping Indiana businesses one step at a time

Website: idem.IN.gov/ctap

Be sure to view and share our brochure!

Environmental Compliance Assistance
for Indiana Businesses and Organizations

Free and Confidential



Compliance and Technical Assistance Program

Indiana Department of Environmental Management

Helping Indiana businesses one step at a time

in.gov/idem/files/publication_ctap_brochure.pdf

Contact CTAP Staff

1 Northwest Regional Office

Toll Free (888) 209-8892

- Michele Murday

3 Indianapolis Central Office

Toll Free (800) 988-7901
or (317) 232-8172

- Tracy Barnes
- Hani Sharaya
- Mark Stoddard
- Chrystal Wagner

Small Business Liaison

- Vacant

4 Southwest Regional Office

Toll Free (888) 672-8323

- Vacant

2 Northern Regional Office

Toll Free (800) 753-5519 x 4879

- Joseph Neuklis

**ANYONE CAN CONTACT CTAP AT
ANYTIME!**

STATEWIDE

CTAP Online

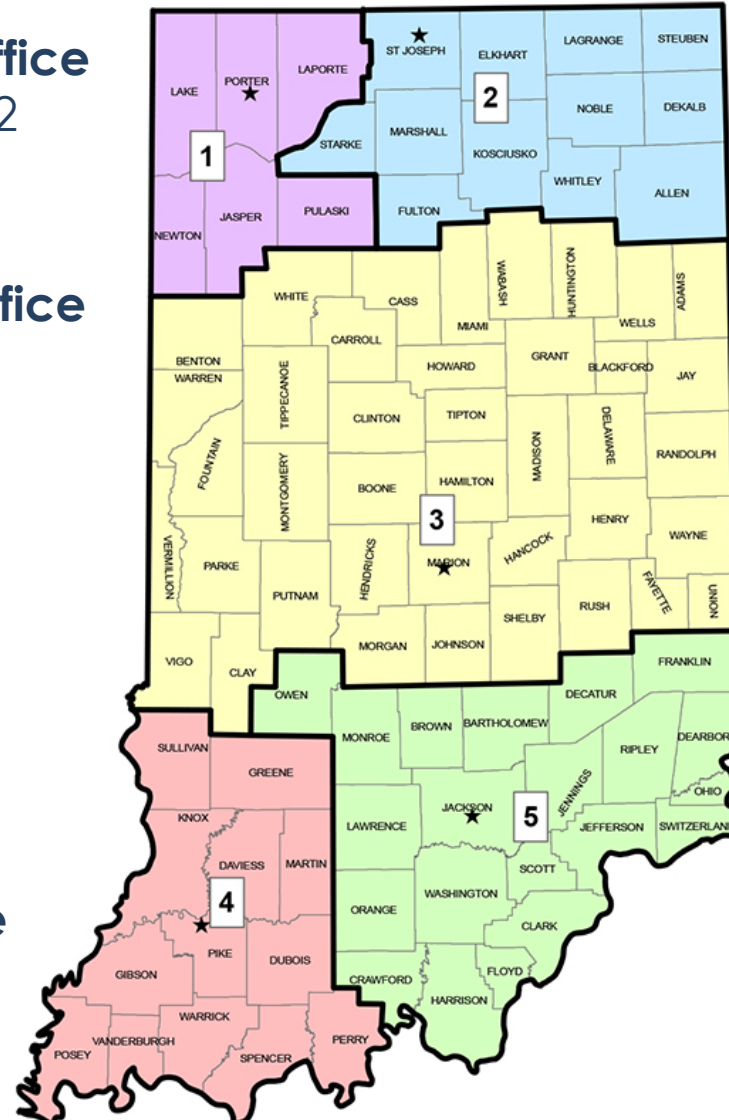
Confidential Portal:

portal.idem.IN.gov

5 Southeast Regional Office

Toll Free (877) 271-0074

- Andrew Dryden



New CTAP Online Portal

IDEM has launched a new Compliance and Technical Assistance Program online portal through Access Indiana. This new portal is a secure online system that makes it easier for businesses and organizations to request confidential assistance regarding environmental regulations, compliance, and permitting.

In the new CTAP portal, businesses, companies, organizations, and individuals can:

- Create a secure account and submit confidential requests directly.
- Request confidential site assessments for your business or specific equipment/processes.
- Communicate and track interactions with CTAP staff.
- Invite collaborators within the company or designated consultants to access and view the CTAP request and recommendations.
- Provide feedback to the CTAP team through surveys.



To submit a confidential request using the new CTAP portal, visit portal.idem.IN.gov or scan the QR code.

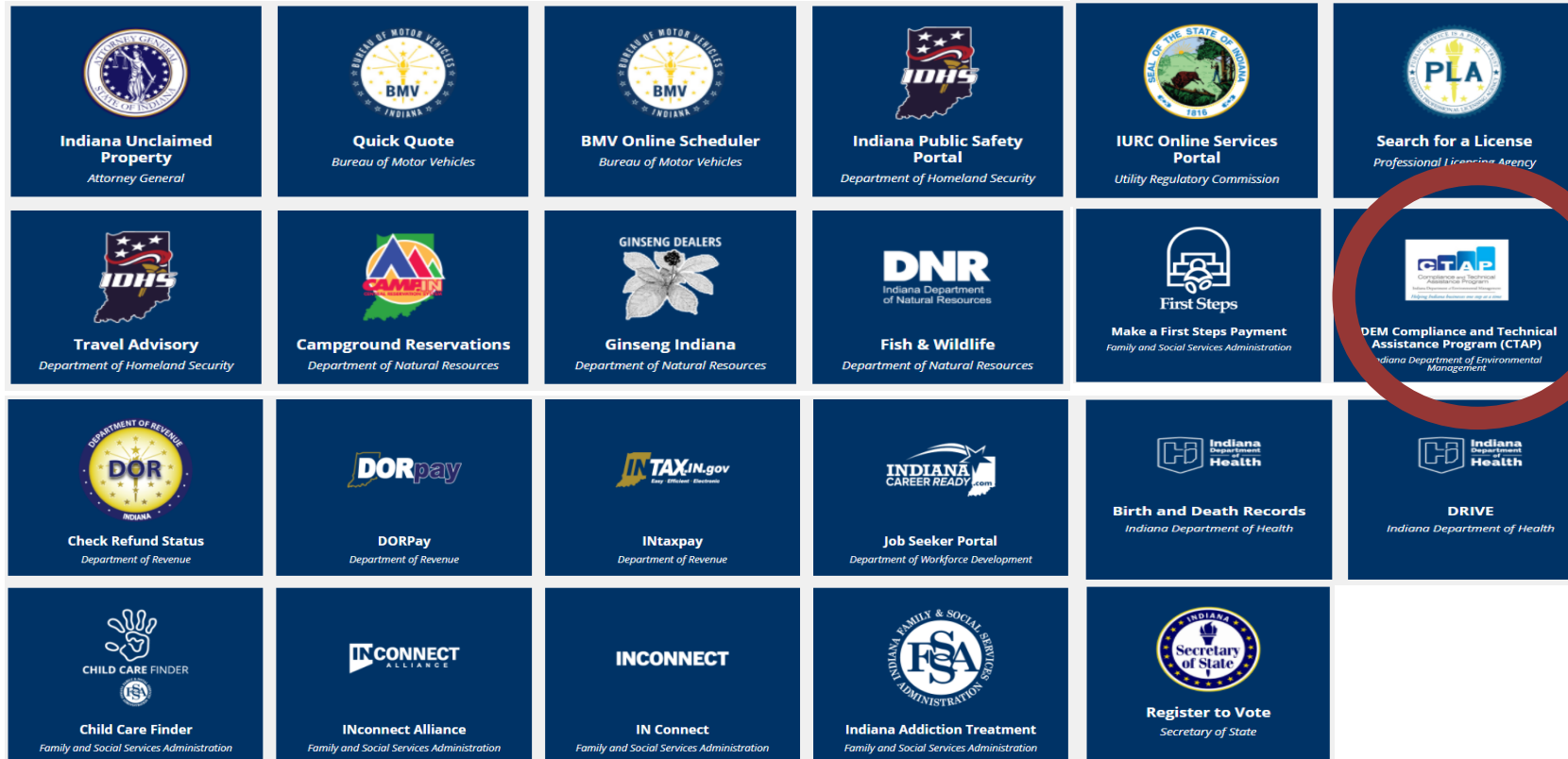




Available Services



<https://www.in.gov/access/>



Check the Available Services to see a list of all online services utilizing the Access Indiana login (<https://www.in.gov/access/available-services.html>).

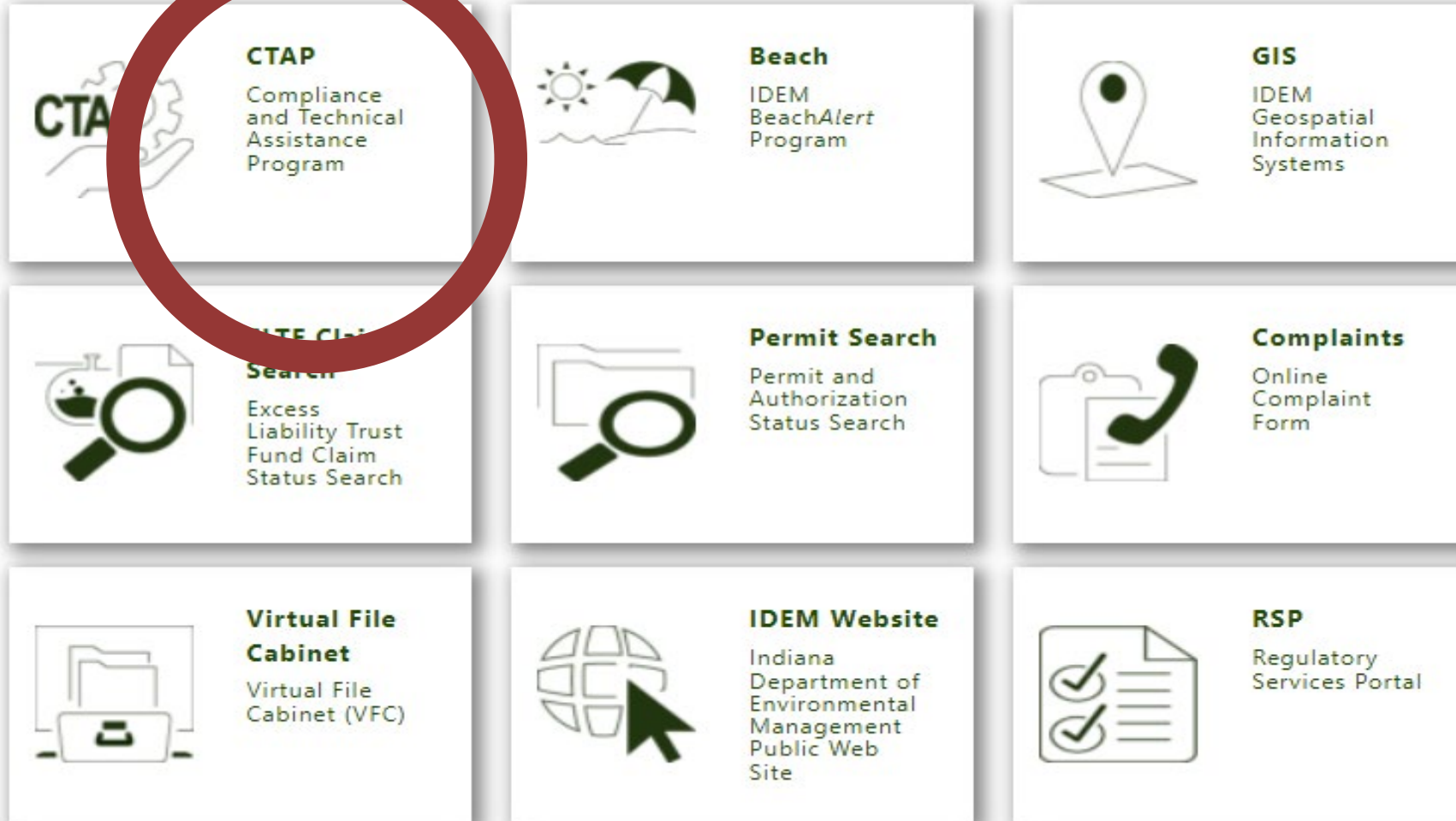


A SINGLE LOGIN & PASSWORD FOR YOUR INDIANA SERVICES



New CTAP Online Portal

CTAP [online portal](#) can also be accessed through IDEM's electronic resources.





Changes at IDEM

Congratulations

Commissioner



Brian Rockensuess

transitioned from IDEM's Chief of Staff to IDEM Commissioner

Chief of Staff



Parvonay Stover was appointed by Commissioner Rockensuess to serve as IDEM's Chief of Staff

OPS Assistant Commissioner



Robert (Bob) Lugar was selected and has assumed the role of Assistant Commissioner for the Office of Program Support (OPS)



Changes at IDEM

Congratulations

**Northwest
Regional Office
Director**



Cathy Csatari

**Branch Chief –
OAQ Compliance &
Enforcement Branch**



Janusz Johnson

**Legislative
Director**



Drake Abramson



Changes at IDEM

Congratulations

**Branch Chief –
OLQ Compliance
Branch**



Lori Freeman

**Branch Chief –
OLQ Permits
Branch**



Robin Feller

**Branch Chief –
OLQ Petroleum
Branch**



Tim Veatch



Changes at IDEM

Saying goodbye...



Julia Wickard left her roles as OPS Assistant Commissioner and IDEM Agricultural Liaison to serve as the Indiana Farm Services Agency State Executive Director (U.S. Department of Agriculture)



Recently Retired



Bruce Kizer
Branch Chief. OLQ
Compliance Branch



Marylou Renshaw
Branch Chief, OWQ
Watershed Assessment
and Planning Branch

Other Farewells

Stephen Thill, Branch Chief
OLQ Permits Branch

Amy McClure, Section Chief
OLQ Permits, SW Permits

Rex Osborn, Section Chief
OLQ Remediation and
Federal Programs

Angela Taylor, CTAP Small
Business Regulatory
Coordinator / Liaison





Environmental Management



IDEM Training

Available E101 Materials

Environmental Management



[Environmental Education for Regulated Entities \(E101\)](#)

Upcoming E101 Webinars

- August 24, 2022 – How to Calculate Potential to Emit (PTE) -- Air Permitting
- September 29, 2022 – Making Waste Determinations – Resource Conservation and Recovery Act (RCRA)



IDEM Training

Available E101 Materials



[Environmental Education for Regulated Entities \(E101\)](#)

E101 Webinar Recordings

- Are You Ready? Spill Prevention, Preparedness and Waste Disposal
- Protecting our Waters: Overview of National Pollutant Discharge Elimination System (NPDES) Program
- Elevate your Understanding: Air Permitting and Compliance for Grain Elevators
- Cultivating Readiness: How to Prepare and Handle Environmental Spills and Emergencies in Agriculture
- Understanding the basics of reporting to the Toxics Release Inventory (TRI)
- Don't Worry, I have it under CONTROL – Let's talk about Institutional Controls and Comfort Letters
- E101 Stormwater - How to Prepare for a Stormwater Inspection and Understand Stormwater Permitting and Compliance
- Used Oil Management - Generator Responsibilities

E101 Training Modules

- Pollution Prevention (P2) for Businesses
- Air Module

Please Share With Us:

**What Other Trainings
Are You Interested In
Having IDEM Conduct?**



Resources for Rule, Policy, and Notices



- IDEM's [Public Notices](#) site provides public access to all notices as required by statute for all of Indiana (can sign up for automatic notifications).
- The IDEM [News and Events Calendar](#) provides information on public meetings that do not require public notice.
- Indiana General Assembly – [Indiana Register](#) documents for all agency public noticed content.
- Rules in Progress – IDEM's Office of Legal Council provides details about IDEM [Rulemakings](#) currently underway and archives of past rulemaking activities.
- [Environmental Rules Board](#) website for meeting calendar, agendas, summaries, transcripts and board packets.
- CTAP maintains a list of [compliance due dates](#) for Indiana businesses, including all media / regulatory program areas of IDEM (land, air, water).



Environmental Rules Board - Rulemakings

November 10, 2021 Meeting

Adoption

- Daviess and Pike County SO₂ Redesignation, LSA #21-258 (OAQ): Adoption of rule amendments
- Fort Wayne CSO Wet Weather Limited Use Designations, LSA #21-164 (OWQ): Adoption of rule amendments

Preliminary Adoption

- Public Water System Definition, LSA #21-132 (OWQ)
- Water Program Permitting Fees, LSA #20-26 (OWQ)
- Waste Program Permitting Fees, LSA #20-24 (OLQ)

Final Adoption

- Septage Management, LSA #14-29 (OWQ): Currently in effect.

Non-Rule Policy Documents

- Supplemental Sampling Guidance, Waste-0071-NPD
- Supplemental Characterization Guidance, Waste-0072-NPD
- Addressing Methane at Anaerobic Bioremediation Sites, Waste-0073-NPD
- Supplemental Guidance on Engineered Exposure Controls, Waste-0074-NPD

IDEM Report: [Air Permitting Report 2021 \[PDF\]](#)



Environmental Rules Board - Rulemakings

February 9, 2022 Meeting

Adoption

- State SO₂ and Porter County Ozone Designations, LSA #21-515 (OAQ): Adoption of rule amendments

Final Adoption

- Satellite Manure Storage Structure Reference Update, LSA #21-28 (OWQ)
- Public Water System Definition, LSA #21-132 (OWQ): Currently in effect.
- Water Program Permitting Fees, LSA #20-26 (OWQ): Currently in effect.
- Waste Program Permitting Fees, LSA #20-24 (OLQ): Currently in effect.

Non-Rule Actions

- Guidance to Predicting a High Ozone Level Day for Sources Subject to 326 IAC 8-13, Non-Rule Policy Document Air-0020-R1-NPD
- Presentation for the 2022 List of Impaired Waters and Consolidated Assessment and Listing Methodology under Section 303(d) of the Clean Water Act



Environmental Rules Board - Rulemakings

June 8, 2022 Meeting (most recent)

Preliminary Adoption

- Landfill Emissions, LSA #22-109 (OAQ)
- Angola Chloride Variance Revisions, LSA #22-110 (OWQ)

Final Adoption

- Daviess and Pike Counties SO₂ Redesignation, LSA #21-258 (OAQ): Effective in 10/2022
- State SO₂ and Porter County Ozone Designations, LSA #21-515 (OAQ): Effective in 10/2022

Non-Rule Actions

- Risk-based Closure Guide, NPD-Waste-0046-R2





Environmental Rules Board - Rulemakings

New IDEM Permit Fees

Land and Water Fees

Public Law 250-2019 was passed by the 2019 Indiana General Assembly to allow the adoption of environmental fees by the Environmental Rules Board for both the water and waste programs.

The board may not change fees more than one time in five years, and the fee increases may not amount to more than 10%.

- Solid and Hazardous Waste Program Final Rule document: [20220608-IR-329200024FRA](#)
- Water Program Final Rule document: [20220622-IR-327200026FRA](#)

Air Permit Fees

The Indiana General Assembly granted authority for IDEM to implement the amendments to the Clean Air Act that occurred in 1990, including the development of the Title V Permit Program.

- Air Program Final Rule document: [20210303-IR-326200021FRA](#)



Rules of Interest

NPDES Application Requirements LSA #22-71 (OWQ) - [1st Notice of Comment Period](#)

With this rulemaking:

- IDEM intends to largely mirror the current federal NPDES permit application regulations under 40 CFR 122.21 and 40 CFR 122.26(c).
- IDEM is considering certain changes from the federal rules under 40 CFR 122.21 to better reflect Indiana's permitting needs.
- Some of the categories where IDEM is considering differing from U.S. EPA's regulations include changes to application submission deadlines, appropriate parameters for screening and monitoring, the number of samples required, locational information, and environmental project information.
- Alternative application requirements for concentrated animal feeding operations and aquatic animal production facilities may also be considered.
- Minimal formatting changes may also be made to conform to the Administrative Rules Drafting Manual.



Rules of Interest

Legitimate Use LSA #22-13 (OLQ) – [1st Notice of Comment Period](#)

Based on Legitimate Use Statute P.L. 97-2016

- Defined legitimate use [IC 13-11-2-118.4](#)
- Authorized IDEM to write rules [IC 13-19-3-1.3](#)

First Notice published January 26, 2022

Draft Rule will focus on:

- Standards, criteria, and procedures for determination of a legitimate use.
- Proper storage, handling and recordkeeping requirements.
- Circumstances under which the use of a material is not considered to be a legitimate use, such as for speculative accumulation or sham recycling.
- Standards for the denial of a legitimate use request.
- Streamlined processes for common legitimate uses of specific types of waste or material, such as asphalt shingles.
- Financial assurance requirements for legitimate uses that involve storage of waste or material.
- Amendments to the alternative fuel rules in 329 IAC 11.7 to expand the percentage of alternative fuel that is acceptable use and enable the blending of acceptable alternative fuels.

House Enrolled Act 1226 – Public Law 120-2022



Rules of Interest

Solid Waste Definition LSA #20-23 (OLQ) – Draft Rule and [2nd Notice of Comment Period](#) Revision needed due to HEA 1226 – Public Law 120-2022

IDEM is proposing amendments to 329 IAC 3.1-5 and 329 IAC 3.1-6 to update the identification of solid waste for the purposes of hazardous waste management to be no less stringent than the analogous federal requirements in 40 CFR 260 and 40 CFR 261.

- Hazardous secondary material recycling under the control of the generator
- Hazardous secondary material transferred to a third party – verified recycler exclusion
- Strengthened definition of legitimate recycling

The proposed amendments will address certain provisions of the federal definition of solid waste affected by a vacatur ordered by the U.S. Court of Appeals for the D.C. Circuit on July 7, 2017, and the subsequent United States Environmental Protection Agency (U.S. EPA) final rule published on May 30, 2018 (83 FR 24664).

State-specific requirements in the draft rule will be removed for presentation to the Environmental Rules Board.

Preliminary Adoption is anticipated at the November 2022 Environmental Rules Board Meeting.



Rules of Interest

Voluntary Performance Based Leadership Program - [LSA # 21-520](#) (IAC 326), [LSA #21-521](#) (IAC 327), and [LSA #21-522](#) (IAC 329) - will have a 2nd comment period.

IDEM's Office of Program Support (OPS) currently runs two voluntary performance-based leadership programs known as the Environmental Stewardship Program (ESP) and the Clean Community Program.

These programs seek to encourage environmental stewardship and invite participants to make continual environmental improvements. In exchange, the programs offer recognition and certain regulatory flexibilities as permitted by the US EPA.

OPS is proposing to update current rules to incorporate the changes accepted from the Clean Communities pilot program (established in 2019) and apply these changes to all program participants. The goal is to facilitate greater participation in IDEM's voluntary performance-based leadership programs.

Changes being considered may include offering membership tiers that cater to communities of different sizes, changing renewal procedures, the length of membership, and shifting focus from solely continuous improvement in municipal systems to community and sustainability projects.

Additional changes may include updating program requirements; correcting obsolete cross-references, typographical errors, and inconsistencies; and simplifying and clarifying existing rule language.



Indiana Statute Update

House Enrolled Act 1226 – Public Law 120-2022

Signed by Governor March 14, 2022

The statute has several parts:

- Waste Diversion Pilot
- Coal Combustion Residue (CCR) Uses Listed
- Hazardous Waste Facility Processing Solid Waste
- Expeditious adoption of exemptions or exclusions at 40 CFR 261 – identification and listing will be in effect before IN adopts
- Definition of solid waste

Effective dates vary by section

[Statute on Indiana General Assembly website](#)



Indiana Statute Update

Central Indiana Waste Diversion Pilot Project

- Effective on passage.
- Project Applications will be accepted beginning June 30, 2022.
- The project is limited to Marion County.
- The Recycling Market Development Board (Board) shall not award more than \$4M in total to applicants chosen to participate in the pilot project based on the recommendations of the IDEM.
- The duration of the pilot project may not exceed two years after the date that the pilot project commences.
- Applications will be accepted through October 1, 2022.

Applicants should refer to the [Central Indiana Waste Diversion Pilot Project Application Guidelines \[PDF\]](#) for complete application requirements and submittal guidance.

Please see the [Central Indiana Waste Diversion Pilot Project](#) webpage for more information.



Indiana Statute Update

Use of Coal Combustion Residues (CCR)

- Effective on passage.
- Uses of Coal Combustion Residues were re-instated. IC 13-19-3-3.1.
- Examples:
 - Raw material for manufacturing another product
 - Structural fill when combined with cement, sand, or water to produce a controlled strength fill material
 - Base in road construction
 - Agricultural application, when applied using appropriate agronomic amounts to improve crop or vegetative production
- Still must comply with Federal CCR Rule.



Indiana Statute Update

Solid Waste Processing at a Hazardous Waste Facility

- Effective upon passage.
- Allows hazardous waste facility to process solid waste as follows:
 - Solid waste is not required to come into contact with hazardous waste
 - Solid waste processing facility permit is not required
 - If solid waste comes into contact with hazardous waste, it must be managed as hazardous waste
- The Board must amend Solid Waste Processing Facilities Rule, 329 IAC 11.



Indiana Statute Update

Hazardous Waste Regulations

- Effective upon passage.
- Impacts Rulemaking **Solid Waste Definition** LSA #20-23 (OLQ).
- IDEM must expeditiously adopt by rule all exemptions or exclusions from regulation as waste that are adopted by the United States Environmental Protection Agency and set forth in 40 CFR 261 on or after January 1, 2022.
- Until the amendments to 40 CFR 261 published by the United States Environmental Protection Agency in the Federal Register at 83 FR 24664 et seq. are adopted by rule by the board, those amendments apply to the identification and listing of hazardous waste in Indiana just as if the amendments were incorporated by reference in 329 IAC 3.1-6-1.



Indiana Statute Update

Definition of Solid Waste – Indiana Statute [IC 13-11-2-205](#)

- Effective July 1, 2022.
- Impacts Rulemaking **Legitimate Use** LSA #22-13 (OLQ).
- Applies to material that is
 - Not hazardous (40 CFR 262.11)
 - Exempted or excluded under 40 CFR 261And is used
 - By a manufacturer as an ingredient or a component
 - As a commodity in a process that results in a product
- Does not apply to spent batteries, used oil, mobile home salvaging, waste tires, electronic waste, use of foundry sand, use of iron and steelmaking slag, or engineered wood burned as fuel at the generating facility.



Nonrule Policy Update

Risk-Based Closure Guide NPD [Waste-0046-R2](#)

- Presented to Environmental Rules Board at the June 8, 2022 meeting
- Effective July 8, 2022
- Modifications to the RCG include:
 1. Require routine soil gas screening, especially at chlorinated solvent releases
 2. Routinely sample vapor conduits like sewers
 3. Remove migration to groundwater screening levels
 4. Remove vapor intrusion groundwater screening levels
 5. Stop publishing residential and commercial soil direct contact levels for volatile chemicals
 6. Stop using transition periods with each new table published
- More information – see the [Remediation Services Bulletin \(June 2020\)](#)
- Impacts other Nonrule Policy Documents
 - Uncontaminated Soil Policy [Waste-0064](#)
 - Contained-in Determination Policy [Waste-0061](#)



Questions?

Contact:

- Chrystal Wagner, cawagner@idem.in.gov, (317) 234-5310
- Tracy Barnes, tbarnes@idem.in.gov, (317) 232-8456