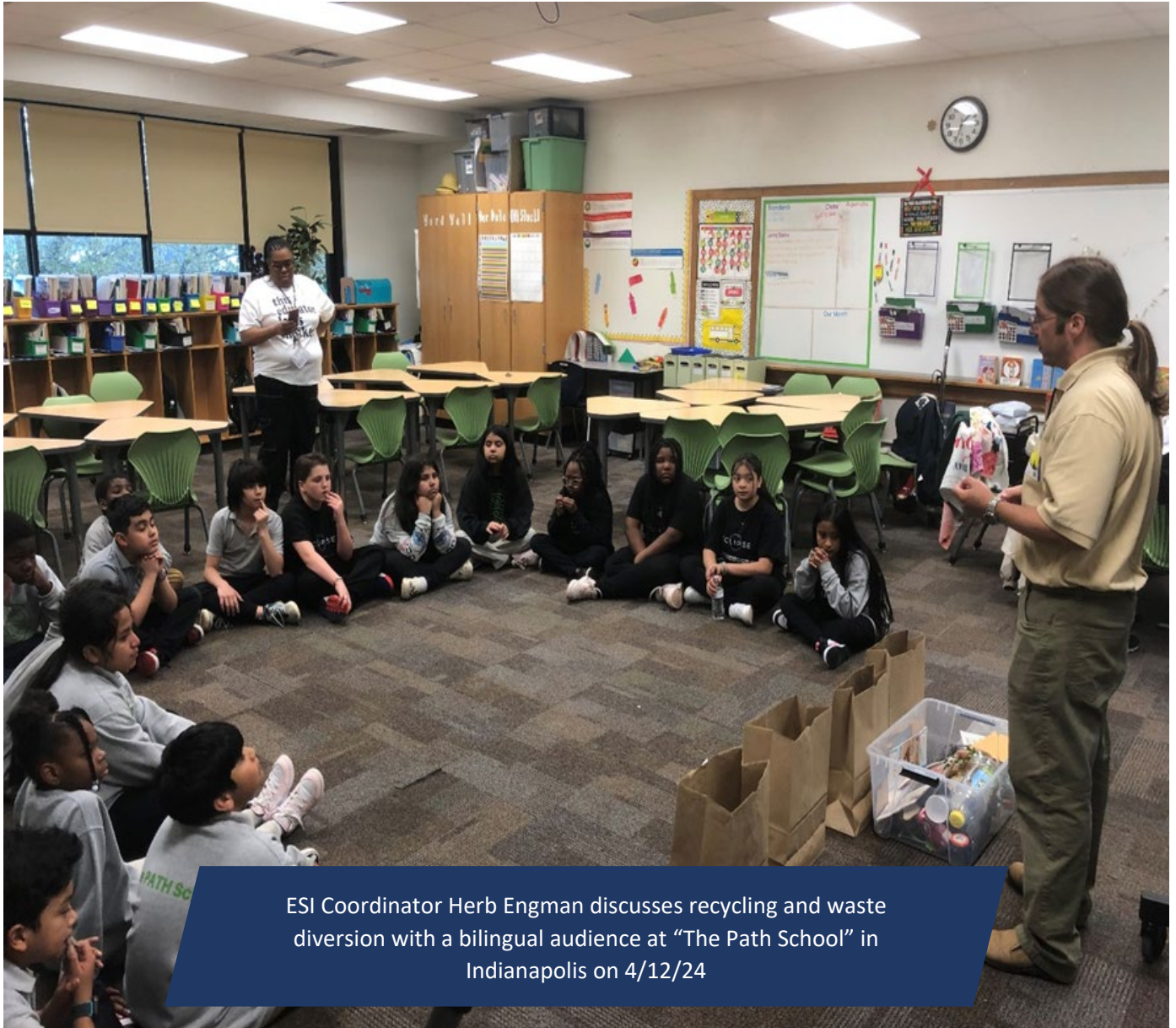


# Indiana Department of Environmental Management

## Environmental Stakeholder Inclusion

### 2024 Annual Report



# IDEM Environmental Stakeholder Inclusion 2024 Annual Summary

## Trends - Statewide Socioeconomic Maps

The 2023 and 2024 state socioeconomic maps are included with this report as **Appendix A**. The maps are developed by internal geographic information system (GIS) staff with data obtained from the “American Community Survey Five Year Estimates” released annually by the United States (U.S.) Census Bureau. There is a one-year lag in the data; therefore, the ACS data for the 2024 map uses data collected through the end of 2023. The following are notable comparisons between the two maps:

- In 2023, there was an increase of Indiana residents who self-identified as a racial minority, 20% in 2022 versus 21.5% in 2023.
- The percentage of Indiana residents reporting annual incomes of less than twice the poverty level remained relatively stable at 29.6% in 2022 and 29.5% in 2023.
- Indiana residents identifying as Hispanic increased during the period (7.5% in 2022 and 8.4% in 2023).

## Overview

The Environmental Stakeholder Inclusion (ESI) program has continued to make significant progress during the 2024 calendar year, as follows:

- **Continued Focus on External and Internal Stakeholder Outreach**

In 2024, ESI staff developed an internal presentation, to provide awareness and information for IDEM staff. Internal presentations were provided to senior staff, Office of Air Quality (OAQ) staff (May 13 and May 28, 2024), Office of Water (OWQ) Quality staff (July 3, 2024), and Northwest Regional Office staff (November 13, 2024). These presentations led to productive discussions with staff regarding the development of the ESI program and the roles of ESI staff. Internal presentations regarding the ESI program will continue to be provided on a recurring schedule to ensure IDEM staff are aware of the program.

Beginning in January 2024, IDEM’s ESI coordinators conducted virtual and in-person external outreach presentations, with an emphasis on in-person meetings. A summary of these outreach events is attached as **Appendix B**.

### *Bilingual Outreach*

Due to the significant percentage of individuals in Indiana who self-identify as Latino or Hispanic, outreach efforts continued to focus on engaging this population. ESI Coordinator, Herb Engman, planned, scheduled, and translated educational programs for the first-ever bilingual IDEM Earth school presentations (as shown on the report cover). He assisted IDEM’s Education Coordinator in establishing contact and scheduling the presentations with the “The Path School” in Indianapolis. On May 5, 2024, bilingual IDEM staff volunteered their time to ensure three fourth-grade classes learned about waste diversion in both English and Spanish. Additionally, ESI Coordinator Engman communicated with other primarily Spanish-speaking schools in the area and provided environmental educational materials in Spanish to Indianapolis Public School (IPS) #74 on April 15, 2024.

In July 2024, ESI staff secured real-time on-demand interpretation services for a variety of languages utilizing a state quantity purchase agreement (QPA). These services ensure community members with communication barriers were able to get immediate translation services during IDEM’s public meetings and hearings. The translation service uses virtual technology and can be requested if there is a need. If there is no need for translation services, no costs are incurred. Since the service was secured, ESI staff

have attended several public hearings and meetings to help with interpretation needs. In October of 2024, ESI staff created a bilingual information guide that includes a breakdown of IDEM's *Citizen's Guide to IDEM*, and important links that community members can access. This information guide was provided to email distribution lists as well as at in-person events.

ESI staff attended several events celebrating Latino and Hispanic Heritage Month, including the Monarch Festival in East Chicago on September 7, 2024, and the Fiesta del Otoño in Bloomington on September 21, 2024. These outreach efforts are intended to make community members aware of the mission of IDEM.

### *Local Government Outreach*

ESI staff modified outreach efforts to focus on local government offices in 2024. ESI Coordinator Engman communicated with several mayor's offices in Southern Indiana asking to provide presentations to those local municipal offices and staff. Presentations were done in the following cities in Southern Indiana; Vincennes on May 23, 2024, Terre Haute on May 1, 2024, Bloomington on May 25, 2024, New Albany on June 10, 2024, and Seymour on June 27, 2024. Additionally, the ESI team presented to the Indianapolis Mayor's Advocates staff on September 5, 2024, as they had hired several new staff members since being originally presented with ESI information the previous year. Those audiences appeared receptive to the ESI program information presented which led to several networking opportunities that would assist ESI staff with ESI requests later in the year.

ESI staff visited several facilities to learn about issues that may affect those in historically marginalized communities. ESI Coordinator Rahim Evans visited Citgo Petroleum, Carmeuse Lime, Gary and Hammond Sanitary Districts and Explorer Pipeline.

ESI Coordinator Evans also attended Gary Advocates for Responsible Development's Conference on Environmental Sustainability on September 21, 2024. At the Northwest Indiana Black Chamber of Commerce Annual Convention, Evans served on a panel alongside the U.S. Department of Energy, U.S. Environmental Protection Agency, U.S. Internal Revenue Service, and U.S. General Services Administration. Evans shared information about the ESI program and IFA funding regarding brownfields and water investments and state contracting.

ESI Coordinator Evans also presented on Air Quality Action Days at the request of the Gary Common Council on July 11, 2024. During the meeting ESI Coordinator Evans discussed why air quality action days exist, what contributes to them, and community response.

ESI staff also attended U.S. EPA Thriving Community and Technical Assistance Center workshops. Attending allowed for the opportunity for ESI staff to advocate to ensure that community members who are in historically marginalized communities can receive information regarding grant resources.

- **Responding to ESI Requests**

In 2024, ESI Coordinators responded to and resolved seventy ESI requests. Requests were from both external and internal stakeholders and involved a variety of issues ranging from translation of documents (primarily into Spanish) to providing socioeconomic census tract analysis for stakeholders. The requests were addressed and resolved in compliance with the program's established Standard Operating Procedure (SOP).

- **Technology Improvements**

IDEM's ESI team spent considerable effort in 2024 making technical improvements to IDEM's ESI webpage and GIS-based applications. Improvements were made to the website, <https://www.in.gov/idem/health/esi/>, including an online request portal and links to resources and previous annual reports.

- **Providing EJ Grant Analysis**

ESI Coordinator Engman provided EPA required Environmental Justice analysis of the state watersheds for the OWQ's annual 319 "Nonpoint Source" pass-through grants. There were 21 watershed applications for Fiscal Year (FY) 2025, most overlapping with disadvantaged communities, requiring a more specific analysis utilizing GIS and area/population data from GIS. Work began on the project in mid-September and a final work product was provided to OWQ the first week of October before evaluation of those applications. The ESI program's work on 319 grant analysis was covered in the "2025-2029 Nonpoint Source Program Management Plan" which was submitted to the EPA and approved on October 2, 2024. Additional information regarding this grant analysis can be found below in **Appendix C**.

- **Providing EJ Analysis and other assistance to IDEM Staff**

The EPA currently requires EJ analysis as part of BIL and Inflation Reduction Act grant processes. ESI staff provided EJ analysis for IDEM staff members, as needed. These analysis requests were typically received requiring a short turnaround time; therefore, the projects were assigned as a priority to ensure IDEM staff could fulfill work and grant requirements. As of December 18, 2024, seven internal requests for EJ analysis were completed for IDEM staff. On May 24, 2024, ESI staff completed an EJ analysis for an external stakeholder, Ports of Indiana, at the request of the Commissioner.

Additionally, in June of 2024, ESI Coordinator Engman was contacted by IDEM's Office of Legal Counsel (OLC) staff to provide a review of the Spanish version of IDEM's Asbestos Licensing Exam. It was noted that several translation errors needed to be addressed; however, it is unclear if a perfect translated version is possible given the differences in dialects inherent in populations of Spanish speakers from different nationalities.

As an assignment related to the "IDEM LEADS 101" Leadership Academy, a report and presentation related to the ESI program was done by IDEM staff Lynette Schrowe and John Pritchard. The work was completed between July 2024 and December 2024 and highlighted the history behind the development of the program, current outreach efforts, and recommendations for improvement. One of the recommendations that will be a primary focus is ensuring all internal staff are aware of the program so that they can refer stakeholders to the ESI Coordinators when appropriate. The report is included in the appendix as **Appendix D**.

- **ESI/EJ Successes**

On June 10, 2024, ESI Coordinator Engman and Assistant Commissioner (AC) Robert Lugar met with the City of New Albany staff. During the meeting, the "Introduction to ESI" presentation was presented, followed by questions and discussion. Scott Wood, Director of Zoning, had a question related to an enforcement action that had occurred several years prior. He indicated he had stopped having communication with IDEM staff and was unsure of the outcome of that case, but there had been continued concerns in the area regarding the complainant. The decision was made to complete another inspection of the property, and violations were found. These violations resulted in additional

enforcement action and a hearing being set. On August 23, 2024, a Permanent Injunction Order was entered by the court that included remediation at the respondent's expense (Floyd County Circuit Court case #22C01-1810-PL-001434). A follow-up inspection of the property was done by IDEM staff on 11/26/24 and no violations were found. At a review hearing on December 13, 2024, a ninety-day extension for closure plan and case closure was accepted by the Court and no additional hearings were set.

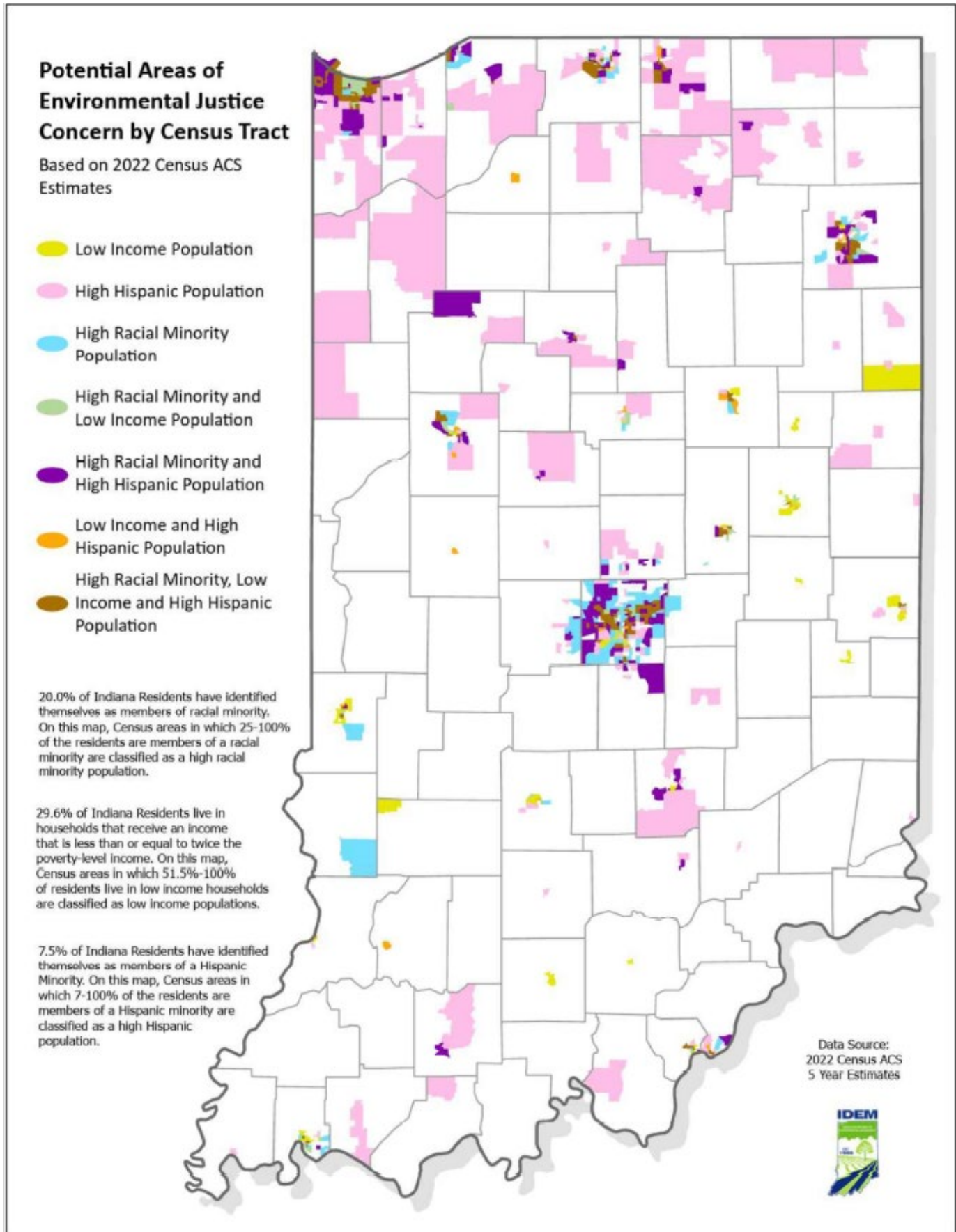
In July of 2024, IDEM ESI staff were contacted by U.S. EPA Region 5 EJ staff who expressed concerns brought to their attention by a group of stakeholders in Vigo and Sullivan Counties. Those stakeholders were concerned about a planned carbon sequestration project in their community. Their primary concern was the lack of transparency about the project from the Vigo County Commissioner's Office. ESI Coordinator Engman was able to communicate with Terre Haute Mayor, Brandon Sakbun, who indicated he would intervene. The transparency concern was addressed almost immediately with additional information being made available on the Vigo County Commissioner's website. In researching the project, it was clear that carbon sequestration Class VI permits are administered by the Indiana Department of Natural Resources (IDNR). ESI Staff determined direct contact information for the IDNR staff and provided that information to both the U.S. EPA Region 5 staff and the group of concerned stakeholders. IDEM ESI staff will continue to advocate for stakeholders when it is appropriate to do so.

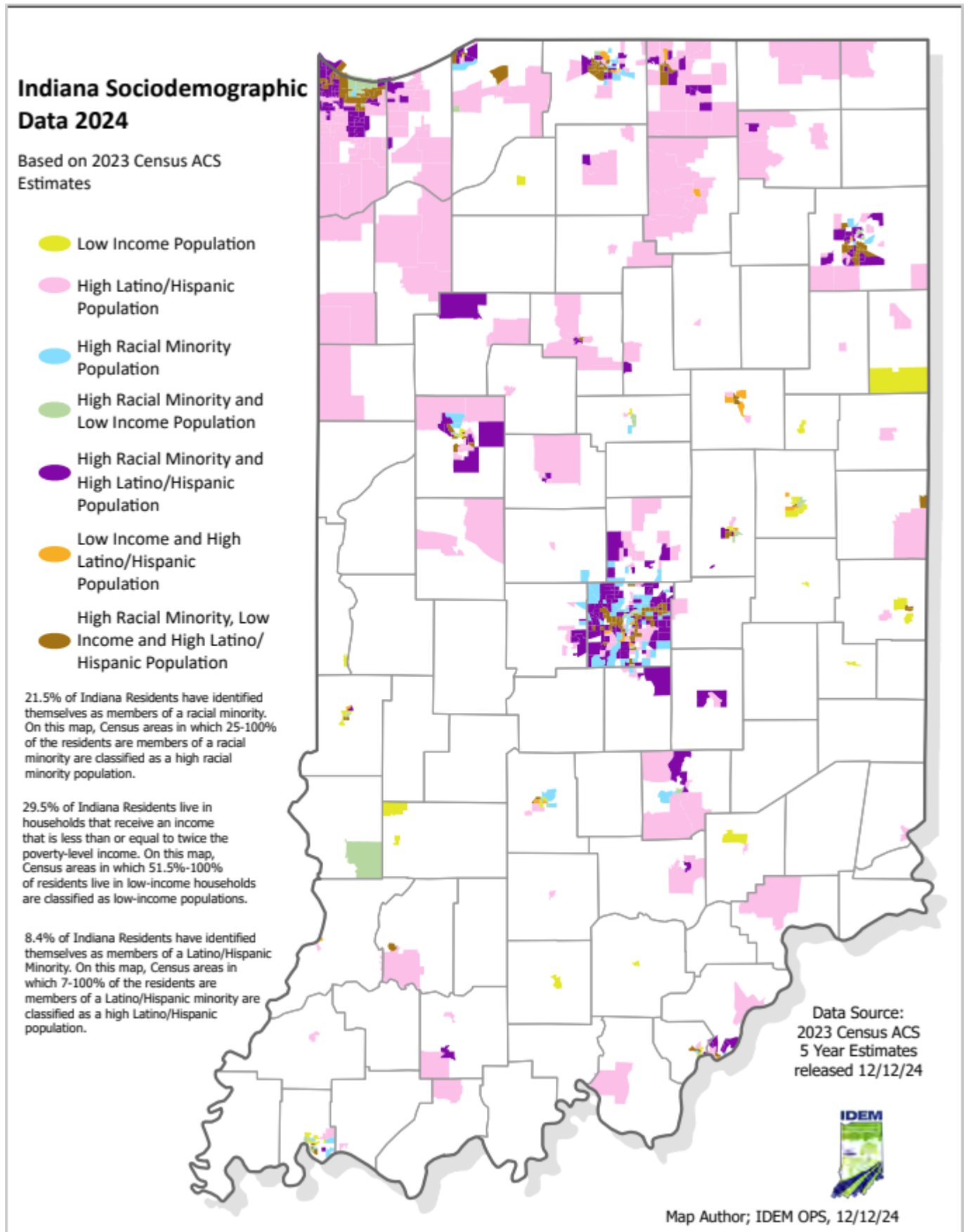
Finally, the lead service line project in the Martindale-Brightwood community commenced in September 2024. Concerns regarding lead water lines were first brought to the attention of ESI team members at a virtual neighborhood meeting in October 2022. Through a collaborative effort with Citizen's Energy Group, Indiana Finance Authority (IFA), and IDEM, funds were allocated, and plans were prepared to ensure this community was prioritized for lead service line replacement. In October 2024, the U.S. EPA finalized a new version of the lead and copper rule giving utilities ten years to replace the lead water service lines.

IDEM's ESI team engaged in outreach efforts in 2024 and will continue to do so in 2025 to address the concerns of stakeholders and make recommendations to IDEM management to address these concerns. Future focus goals will include continued attempts to reach the Latino/Hispanic residents in Indiana, as well as residents of southern and northeast Indiana, and rural parts of the state.

## Appendices

### Appendix A: Statewide Socioeconomic Map 2023 (based on 2022 ACS 5-year estimates)





## Appendix B: ESI External Stakeholder Outreach

### 2024 Outreach Meetings

<b>Stakeholder or Group</b>	<b>Primary Contact</b>	<b>Email</b>	<b>Contact Date</b>	<b>City</b>	<b>County</b>	<b>ESI Coord</b>
Citizen's Climate Lobby-SC	Dr. Jeff White	<a href="mailto:whitej@indiana.edu">whitej@indiana.edu</a>	1/16/2024	Bloomington	Monroe	Engman
Riverside Civic League	Careena Jackson	<a href="mailto:careena.jackson@gmail.com">careena.jackson@gmail.com</a>	2/1/2024	Indianapolis	Marion	Engman
City of Gary Office of Sustainability	Brenda Scott-Henry	<a href="mailto:bhenry@gary.gov">bhenry@gary.gov</a>	2/28/2024	Gary	Lake	Evans
Citizen's Climate Lobby-Evansville	Lani Ethridge	<a href="mailto:entwissen@gmail.com">entwissen@gmail.com</a>	3/13/2024	Evansville	Vanderburg	Engman
IUPUI	Dr. Nathan Cook	<a href="mailto:cooknath@iu.edu">cooknath@iu.edu</a>	3/26/2024	Indianapolis	Marion	Engman
Greater Allisonville Community Council	Sue Phohl	<a href="mailto:greaterallisonvillecc@gmail.com">greaterallisonvillecc@gmail.com</a>	4/9/2024	Indianapolis	Marion	Engman
City of Hobart	Emma Johnson	<a href="mailto:mayoroffice@cityofhobart.org">mayoroffice@cityofhobart.org</a>	4/2/2024	Hobart	Lake	Evans
Cleveland Cliffs	Chrissy Foreman	<a href="mailto:christine.foreman@clevelandcliffs.com">christine.foreman@clevelandcliffs.com</a>	4/15/2024	Valparaiso	Porter	Evans
Twin Aires Neighborhood Coalition	Emily Djabi	<a href="mailto:emily@sendcdc.org">emily@sendcdc.org</a>	4/18/2024	Indianapolis	Marion	Engman
Vincennes Mayor's Office	Cheryl Hacker	<a href="mailto:chacker@vincennes.in.gov">chacker@vincennes.in.gov</a>	4/23/2024	Vincennes	Knox	Engman
Bloomington Office of Sustainability	Shawn Miya	<a href="mailto:shawn.miya@bloomington.in.gov">shawn.miya@bloomington.in.gov</a>	4/25/2024	Bloomington	Monroe	Engman
Save the Dunes	Besty Maher	<a href="mailto:betsy@savedunes.org">betsy@savedunes.org</a>	5/1/2024	Michigan City	Laporte	Evans
New Albany Mayoral Staff	Cheryl Cotner	<a href="mailto:ccotner@cityofnewalbany.com">ccotner@cityofnewalbany.com</a>	6/10/2024	Indianapolis	Marion	Engman
Gary NAACP/NWI Black Chamber of Commerce	Lois Whittaker Steve Mays	<a href="mailto:info@nbccin.org">info@nbccin.org</a> <a href="mailto:Scmays1@sbcglobal.net">Scmays1@sbcglobal.net</a>	6/10/2024	Gary	Lake	Evans
Town of Schererville	Jim Gordon	<a href="mailto:jgorman@schererville.org">jgorman@schererville.org</a>	6/24/2024	Schererville	Lake	Evans
Seymour Municipal Staff	Jane Hays	<a href="mailto:mayor@seymour.in.org">mayor@seymour.in.org</a>	6/28/2024	Seymour	Jackson	Engman
Sierra Club	Julie Lowe	<a href="mailto:j_lowe66@yahoo.com">j_lowe66@yahoo.com</a>	8/7/2024	Columbus	Bartholomew	Engman
Town of New Chicago	Sue Pelfrey	<a href="mailto:nctownmanager@gmail.com">nctownmanager@gmail.com</a>	8/13/2024	New Chicago	Lake	Evans
Michigan City	Kelly Smith	<a href="mailto:kelly@michigancity.com">kelly@michigancity.com</a>	8/15/2024	Michigan City	Laporte	Evans
Mayor's Neighborhood Advocates	Brittany Crone	<a href="mailto:Brittany.Crone@Indy.Gov">Brittany.Crone@Indy.Gov</a>	9/5/2024	Indianapolis	Marion	Engman
City of Gary	Marcia J. Powrozek-Hardison	<a href="mailto:mphardison@gary.gov">mphardison@gary.gov</a>	10/1/2024	Gary	Lake	Evans
Indiana Asthma Coalition	Courtney Stewart	<a href="mailto:cestewar@iu.edu">cestewar@iu.edu</a>	10/11/2024	Indianapolis	Marion	Engman
US Attorney General Office	Joi Kamper	<a href="mailto:Joi.Kamper@usdoj.gov">Joi.Kamper@usdoj.gov</a>	12/5/2024	Indianapolis	Marion	Engman
Indiana Latino Roundtable	Maryori Duarte-Sheffield	<a href="mailto:mduarte-sheffield@MarionHealth.org">mduarte-sheffield@MarionHealth.org</a>	12/18/2024	Indianapolis	Marion	Engman



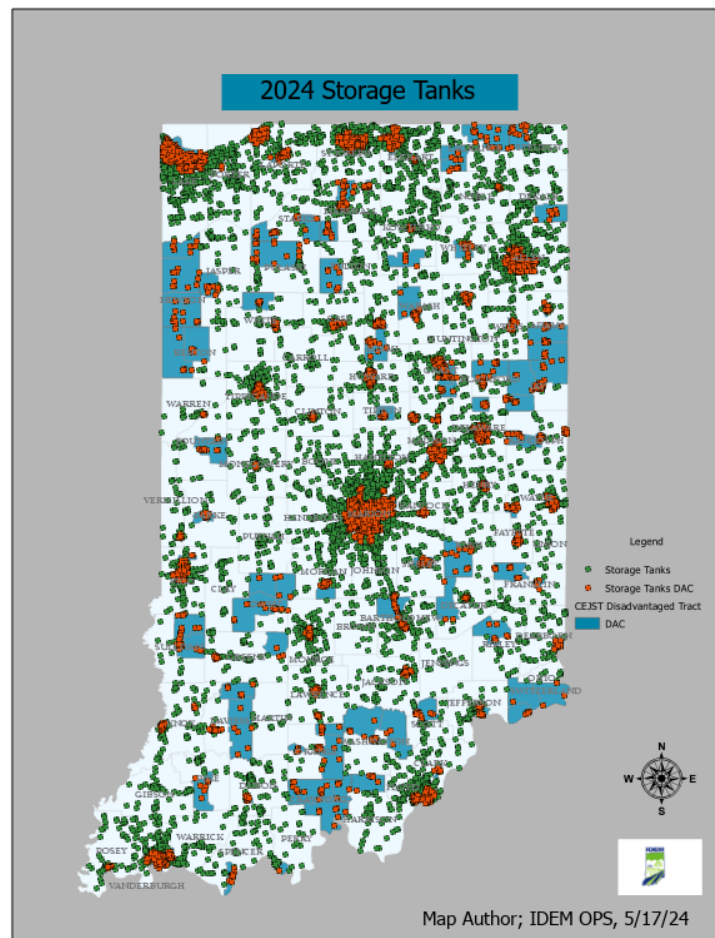
## Appendix C: Environmental Justice Grant Analysis

### IDEM Underground Storage Tank (UST)/Leaking Underground Storage Tank (LUST) Economic Justice Analysis Project May 2024

In May of 2024, Indiana Department of Environmental Management's (IDEM's) Environmental Stakeholder Inclusion Coordinator Herb Engman was tasked with mapping out and designating whether UST's are in disadvantaged communities. A spreadsheet with 19,961 tank locations was provided by IDEM Office of Land Quality (OLQ) staff on May 8, 2024. That data was uploaded to ESRI's ArcGIS software. Another data layer was obtained that outlined disadvantaged census tracts as identified by the United States Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST). Utilizing the ESRI software, those two layers were joined to create a selection layer titled "Storage Tanks DAC (disadvantaged communities)." On the map below, those UST locations are identified in red.

The data was then exported to result in another spreadsheet through which quantitative data was obtained (titled "2024\_UST\_HE5.17.24-2", which is available upon request). Of the 19,961 locations, 7,798 (or approximately 39%) are located in disadvantaged communities. Additionally, 999 locations were unable to be geocoded due to data entry issues. That data error represents approximately 5% of the total data. It is possible that those unmatched locations (the majority of which were unmatched due to having no address) were "above ground" storage tanks that were responsibilities transferred from the Indiana Department of Homeland Security to IDEM. Should additional analysis be needed on those locations, the data will need to be confirmed as accurate before geocoding. Alternatively, once valid addresses are obtained, that data can be run manually using existing EJ analysis tools (CEJST).

#### 2024 Storage Tanks

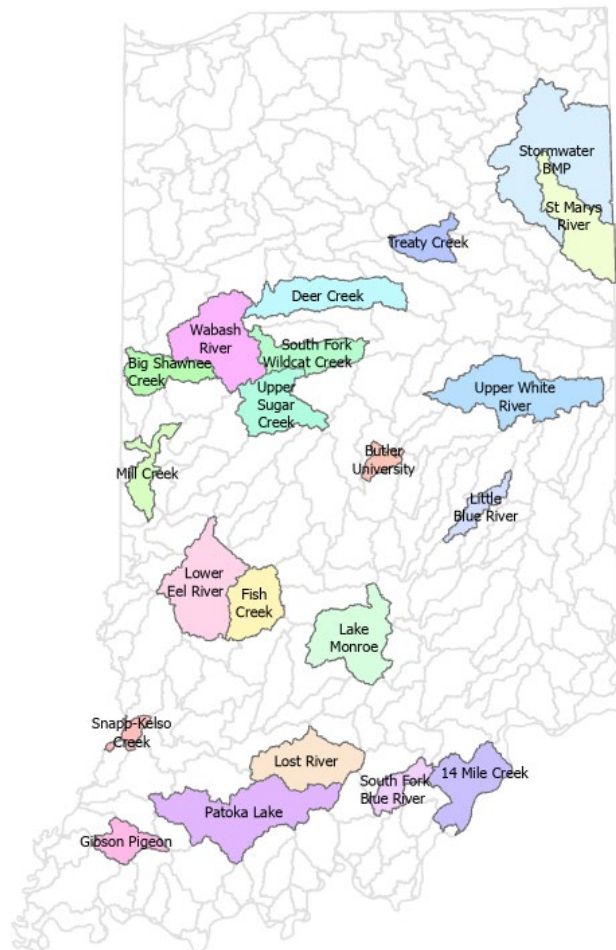


## FY 2025 319 Nonpoint Source Grant Applications Environmental Justice Analysis

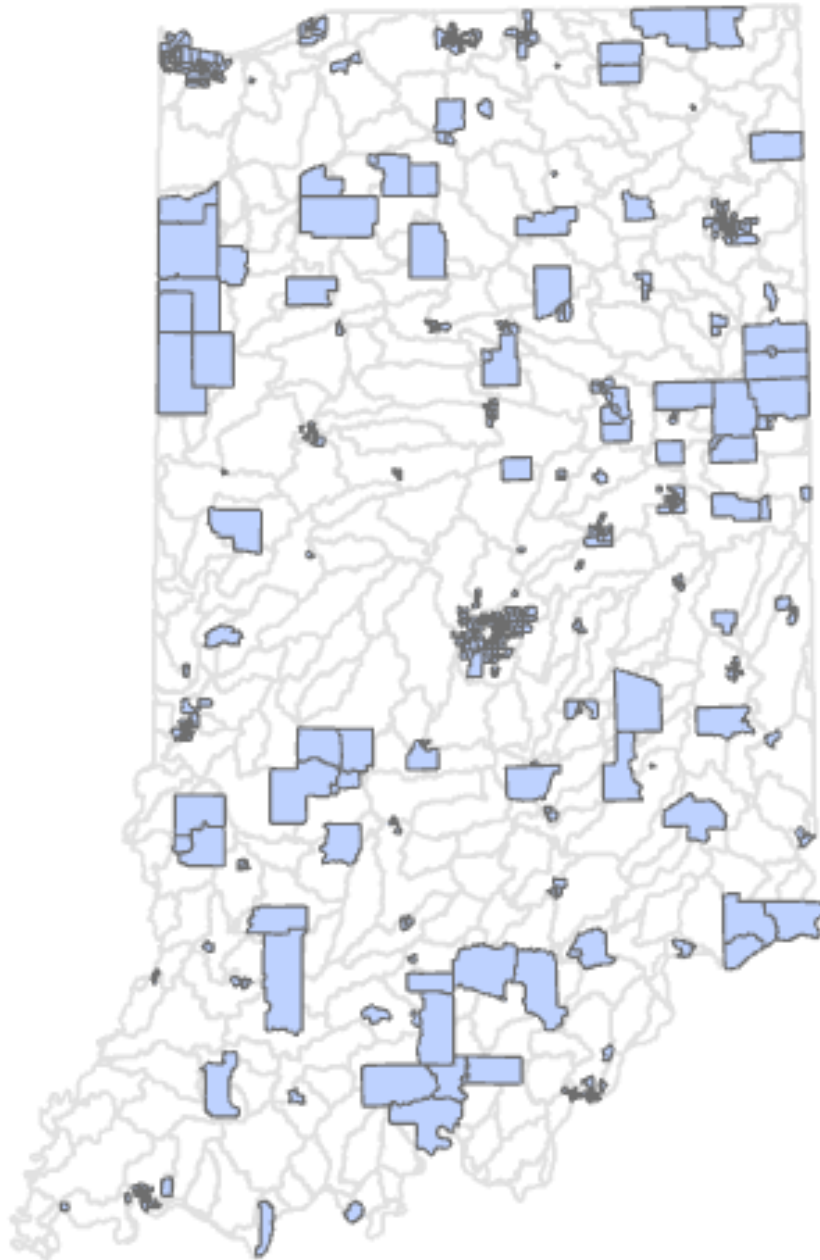
The U.S. EPA has strongly encouraged states to incorporate environmental justice (EJ) and climate actions into their 319 programs. In the planning period of 2024 to 2029, when scoring 319 grant applications, priority consideration will be given to proposals that, in addition to meeting the water quality goals of the 319 program, focus on improving disadvantaged communities. Disadvantaged communities are those that have been identified by CEJST as being historically overburdened and underserved. The tool uses data that are indicators of burden in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. The tool uses these indicators to identify communities that are experiencing socioeconomic and environmental burdens and are therefore defined as “disadvantaged” because they are in a census tract that is either at or above the threshold for one (1) or more environmental, climate, or other burdens, and/or at or above the threshold for an associated socioeconomic burden. For the annual applications, IDEM used this tool to identify and prioritize proposals that include disadvantaged communities. Proposals will be ranked based on the total population data extracted from watershed areas that intersect with those disadvantaged communities.

On September 9, 2024, ESI Coordinator Engman was tasked with assisting in the Fiscal Year (FY) 2025 “Nonpoint Source”/319 grant applications review process by performing an EJ analysis of the watersheds. For 2025, 21 grant applications were received.

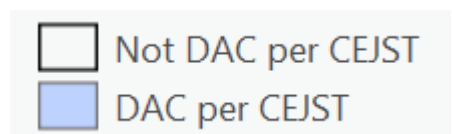
Office of Water Quality (OWQ) staff provided a geographic information system (GIS) layer of the combined Hydrologic Unit Code (HUC) 8, 10, and 12 watersheds included in the applications. The initial GIS layer of the applications is as follows:



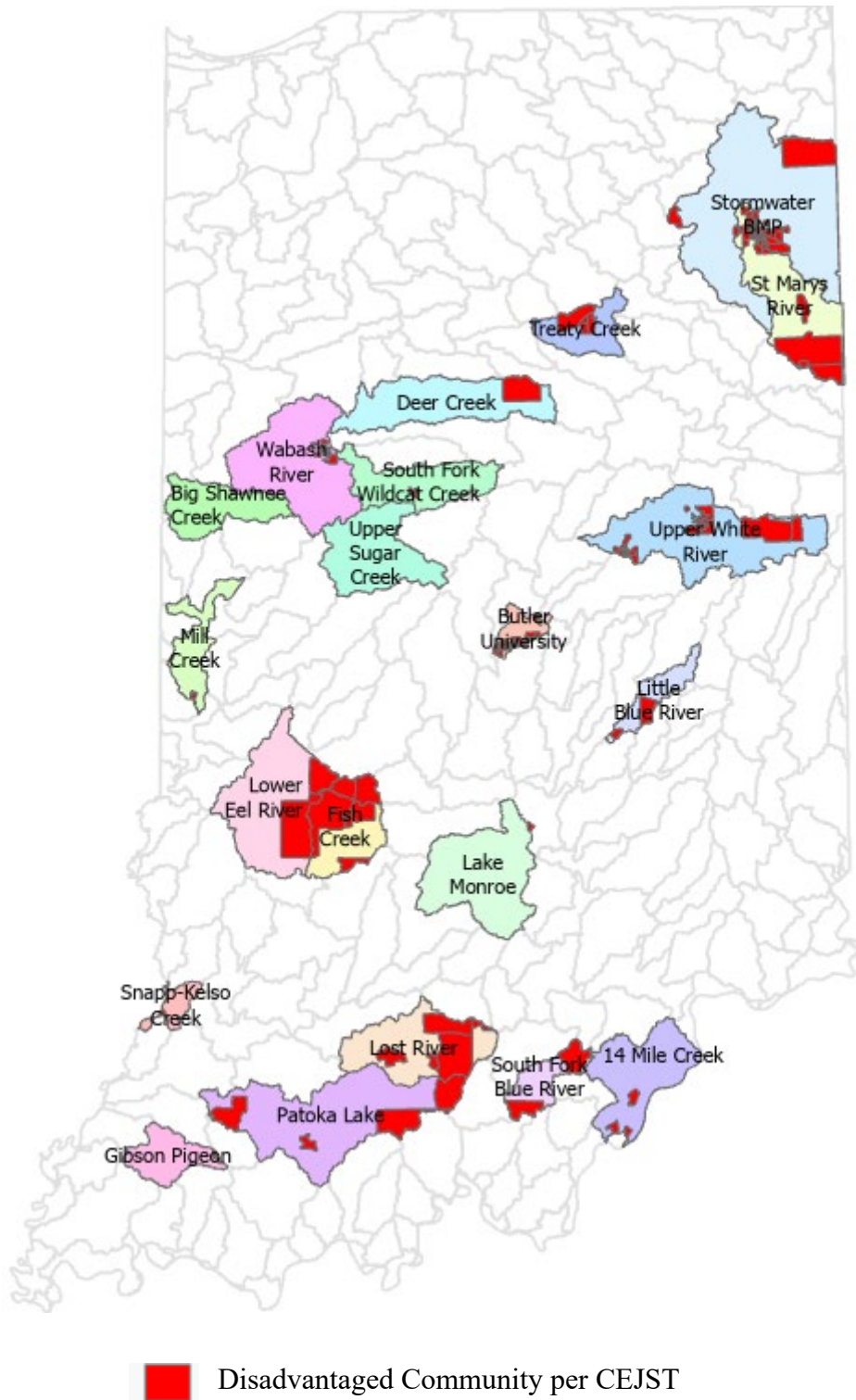
A GIS layer of the CEJST was obtained from previous GIS work and overlaid with the state of Indiana HUCS layer which resulted in the following map:



Disadvantaged Communities (DAC)



Those two layers were then joined to determine which watersheds intersected with CEJST-designated disadvantaged communities, resulting in a layer as follows in which the red colored portions indicate watershed overlaps with disadvantaged communities:



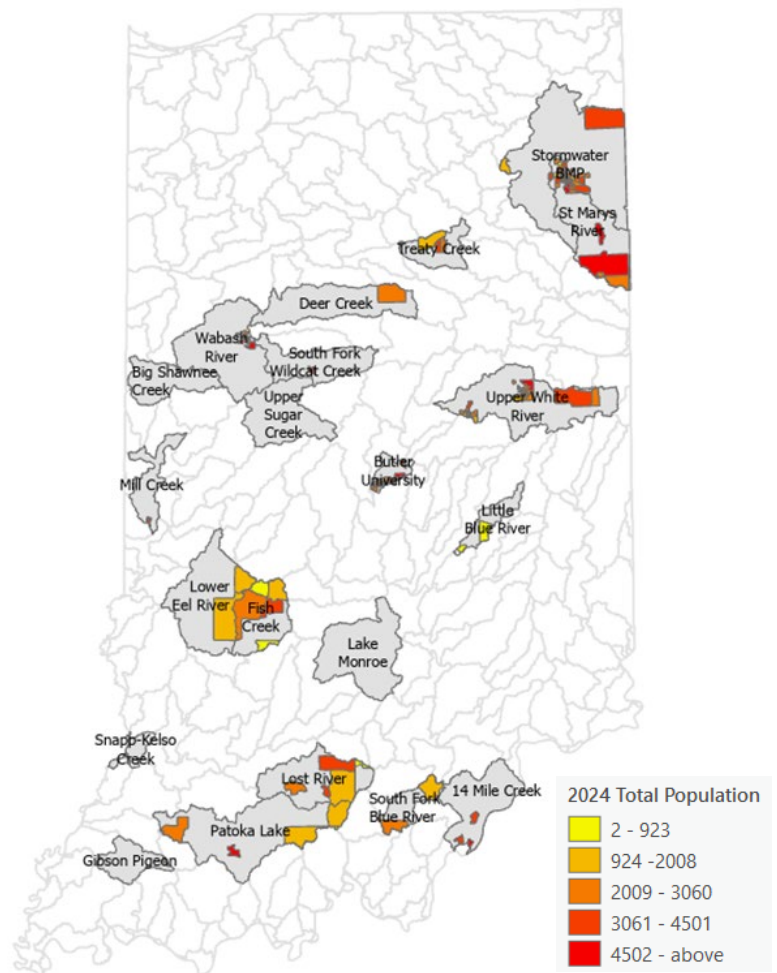
Of the 21 applications, 20 overlapped with disadvantaged communities to varying degrees (the exception being Upper Sugar Creek). To provide additional EJ analysis for grant evaluation purposes, the population totals of those areas were then obtained via the census data in ArcGIS. There was then a median derived from those numbers (the median population within the overlap areas being 9,993). The ten watersheds above that population median should be given a priority EJ score in terms of the application evaluation process, with the overall scores listed below.

The three grant applications at the top of the list; Stormwater BMP and St. Mary’s River projects in Allen County, as well as a Butler University project in Indianapolis, cover extensive urban areas and contain both a higher density of population as well as a higher number of disadvantaged census tracts. Additionally, although there was a small section of the northeast portion of Lake Monroe that overlapped a disadvantaged community, there was no population in that small section per ACS data.

Final Score

Color Coded Representation

<b>Total Population in DAC</b>	
Stormwater BMP	126923
St Marys	96632
Butler University	70365
Upper White River	69912
Wabash River	38153
14 Mile Creek	14201
Lost River	11918
Treaty Creek	11608
Patoka Lake	10880
Fish Creek	9993
South Fork Wildcat	9126
South Fork Blue	4177
Mill Creek	3446
Lower Eel River	3177
Snapp-Kelso	2502
Deer Creek	2228
Big Shawnee Creek	1303
Little Blue River	1281
Gibson	2
Median	9993



# ENVIRONMENTAL STAKEHOLDER INCLUSION PROGRAM

RECOMMENDATIONS FOR PROGRAM IMPROVEMENT  
IDEM LEADS 101

DEC 2024

**PREPARED BY**

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## SUMMARY

In August 2024, as part of IDEM’s new Leadership 101, Lynette Schrowe (Office of Land Quality) and John Pritchard (Office of Legal Counsel) were assigned a “stretch assignment.” The assignment provides an opportunity to step outside our IDEM silos and learn more about other program areas. Our assignment was to evaluate IDEM’s Environmental Stakeholder Inclusion (ESI) Program in the Office of Program Support and prepare recommendations on how to better include the ESI in other IDEM program areas. After discussions with the ESI team, priorities are focused on increasing its profile with both internal and external stakeholders.

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### OBJECTIVE

*An analysis of IDEM’s Environmental Stakeholder Inclusion (ESI), its functionality, and suggested recommendations for improved processes, inclusion with other IDEM programs, external stakeholders, and product delivery.*

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## CURRENT PROGRAM STRUCTURE

The ESI program was created by IDEM in 2022 and is made up of two FTEs and one supervisor. ESI performs three primary tasks: ESI requests, public outreach, and coordinate the Justice 40 initiative. (See Figure 1)

1. ESI assists agency staff with requests from external stakeholders obtained from the [IDEM: Community Environmental Health: Environmental Justice/ESI Request](#) System. Requests are related to:
  - ADA disability accommodations
  - translation and interpretation services (primarily Spanish but with the ability to provide services for other languages)
  - access to information or documents
  - plain English guide services
  - schedule meetings with a subject matter expert

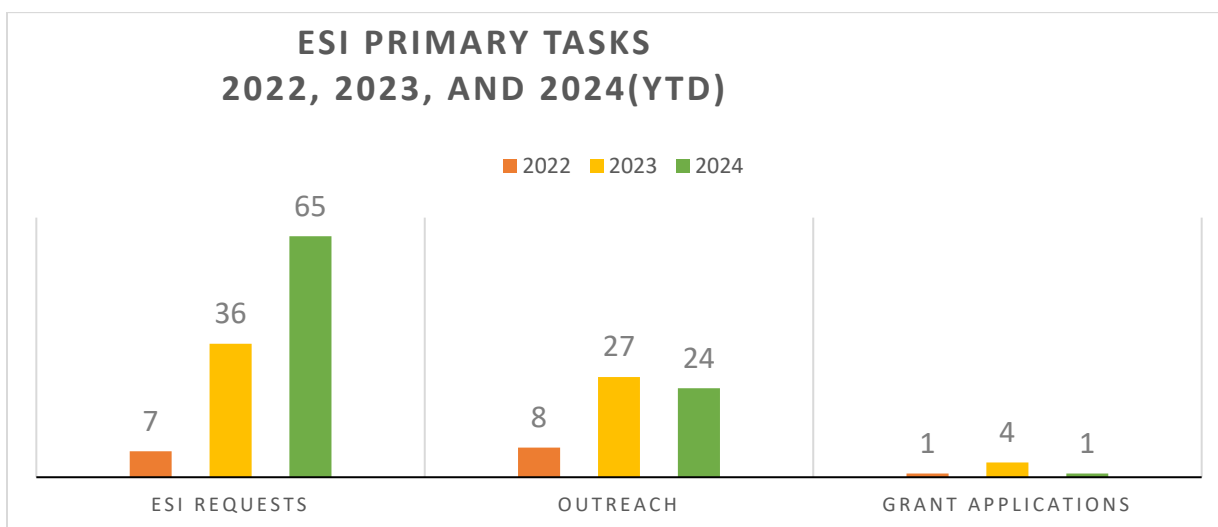


Figure 1



*ESI requests have increased by more than 800% from 2022 to 2024 demonstrating an increasing demand for ESI services.*

2. ESI conducts external outreach at neighborhood associations, non-profit organizations, advocacy groups, permittees, and municipalities.

*External outreach events increased 300% from 2022 to 2024.*

3. ESI ensures compliance with the Justice40 Initiative in grant applications. Justice40 establishes a federal government-wide goal that 40% of the overall benefits of certain Federal investments flow to disadvantaged communities that are underserved and overburdened by pollution.

*Additional consideration for how ESI manages grant applications should be considered but were beyond the scope of this project.*

**Environmental Justice (EJ).** U.S. EPA defines “Environmental Justice” as the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices. (Environmental Justice, 2024).

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***There are currently no Indiana or federal laws, statutes, rules, or regulations directly addressing environmental justice.***

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## Increase ESI PROFILE

*The goal of the stretch assignment is to increase the ESI profile to both internal and external stakeholders. Our recommendations consist of five components (See Figure 2).*

### INCREASE ESI PROFILE

1. ESI PROGRAM IMPROVEMENTS
2. INTERNAL PROGRAM ENGAGEMENT
3. EXTERNAL PROFILE
4. PARTICIPANT GUIDANCE
5. SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

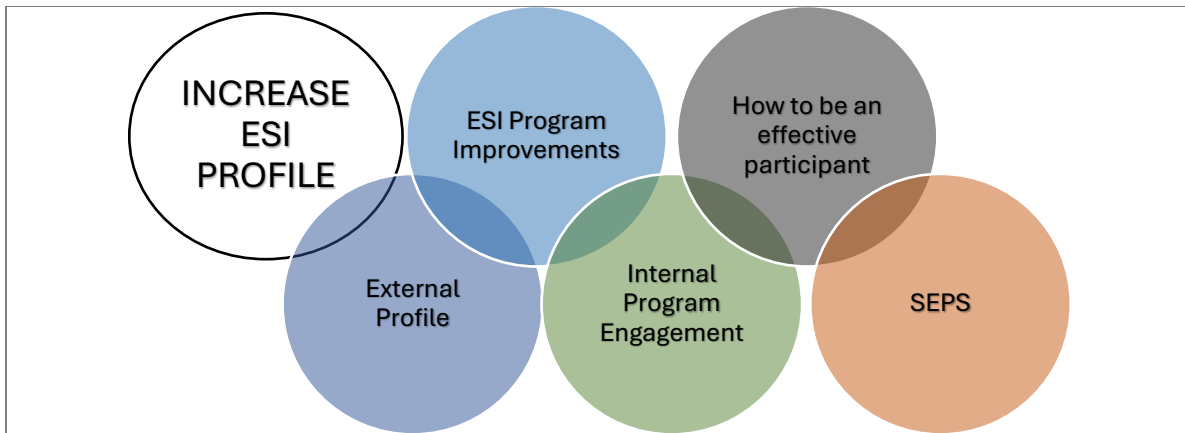


Figure 2 ESI Improvement Recommendations

## 1.0. ESI PROGRAM IMPROVEMENTS

Prior to 2022, the previous administration took a decentralized approach to ESI with a contact person in each program area; however, programs protested the use of resources and staff time. In 2022, Commissioner Rockensuess centralized EJ to two full-time ESI coordinators and a supervisor. The ESI coordinators are each assigned half of the state and respond to ESI requests geographically. There is one SOP - *Environmental Stakeholder Inclusion Requests*, dated September 2022, and one Internal Agency Policy Document [Nondiscrimination 02-15-23 \(A-008-AW-17-P-R6\)](#).

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**There are no federal or state laws, rules or regulations requiring the use of EJ analysis in agency decision making. Therefore, the IDEM ESI team focuses on outreach to permit holders to discuss “being good neighbors” and working with stakeholders, especially those in disadvantaged areas.**

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### 1.1 Recommendations

1. Consider organizing with other states and petition the EPA to develop federal law and rules to define how EJ can be incorporated into compliance and permitting processes. The current attitude regarding implementation of EJ in permitting and compliance is aspirational, instead of functional. This could be done through professional organizations such as the Environmental Council of the States (ECOS). Collaboration is critical as EJ becomes inconsistent when independent states enact their own legislation.
2. Implement EJ legislation at the state level to provide a backbone for the program and ensure that overburdened communities can meaningfully factor into the decision-making process.
  - a. [Environmental Justice State by State website](#)
    - i. [Connecticut](#)
      1. Environmental Justice Program
    - ii. New York
      1. [Disproportionate impacts on disadvantaged communities](#)
    - iii. [New Jersey](#)
      1. EJ Law – allows NJDEP to deny a permit for certain types of facilities if the requested activity will cause or contribute to adverse cumulative environmental or public health stressors in areas identified as overburdened communities.
3. Develop an ESI program training manual for new staff
4. Develop additional SOPs

- a. Justice 40 Initiative in grant applications
- 5. [IDEM: Community Environmental Health: Environmental Justice](#)
  - a. ESI information or links to ESI resources should be easily accessible and identifiable on [IDEM's webpage](#), social media platforms, and all agency public notices.

## 2.0. INTERNAL PROGRAM ENGAGEMENT

ESI provided presentations to senior staff in Indianapolis, the NW Regional office, and to some sections in 2023; however, ESI should be more forward facing. Program level staff are unaware of the ESI program and the benefits it can bring to a project. In fact, a survey of OLQ RSB staff showed that 80% of staff were unaware of the ESI program. Staff throughout the agency need to have a baseline understanding of the ESI program, know ESI staff, when to include ESI, and what services ESI offers.

### 2.1 *Recommendations*

1. Attend section meetings for all regulatory programs that ESI could benefit. Present information on a recurrent basis on the following.
  - a. Introduction of ESI staff
  - b. What is ESI/EJ?
  - c. The evolution of EJ at IDEM
    - i. [Environmental Justice Policy 8-27-17 \(A-008-AW-17-P-R4\)](#)
    - ii. [Nondiscrimination Policy 09-13-18 \(A-008-AW-17-P-R5\)](#)
    - iii. [Nondiscrimination Policy 02-15-23 \(A-008-AW-17-P-R6\)](#)

The concept of environmental justice includes the fair treatment and meaningful involvement of all people in the implementation of environmental decision-making pursuant to all federal and state environmental statutes, regulations and rules. In order to promote the concept of environmental justice, the agency will ensure that all members of the public:

- A. Have equal access to public information pertinent to agency policies and procedures.
- B. Have adequate notice regarding all agency program information and decision-making processes.
- C. Have the opportunity to provide public comments and request public meetings for pertinent information from agency program staff.

- i. [Enhanced Environmental Justice Policy](#)
  - d. An explanation of and how to access services provided by ESI
  - e. Understand how to engage with ESI
  - f. Receive instructions on using GIS-based EJ tools used to define EJ areas
    - i. [EPA's EJ SCREEN: Environmental Justice Screening and Mapping Tool](#)
    - ii. [Council on Environmental Quality: Climate and Economic Justice Screening Tool](#)
    - iii. [Disadvantaged Community Determination](#)
2. Complete the draft video training on the ESI program. Post to SuccessFactors and require employee review and annually thereafter.
3. Include ESI training as part of the new employee onboarding process.

## 3.0. EXTERNAL PROFILE

ESI should ensure that its message is received not only by our regulated partners but also increase its profile to local, non-profit and advocacy organizations.

### 3.1 *Recommendations*

1. Continue with outreach efforts and set an annual goal for a number of events conducted to include metrics on the organizations such as type, attendance, follow-up, etc.
2. Ensure that RPs are aware of ESI by including reference to ESI in enforcement, permitting, and other official agency correspondence. Forms and notices should be revised to include information regarding the ESI program in every public notice, the agency issues regarding pending agency actions. Encourage the regulated community to engage with the ESI program to understand community needs, which will likely have a positive impact on the entity's relationship within its community. Suggested language as follows.
  - a. "To further environmental justice and enhance public participation in the regulatory and permitting processes, IDEM considers all public comments in our regulatory reviews and decision making." Include a link for the ESI request system.
3. Have MACS/Creative Services create an ESI logo
4. Develop an ESI success story and post on IDEM's
  - a. YouTube
  - b. Facebook
  - c. LinkedIn
5. Consider sending out notices to a facility's interested persons list with copies of the Notice of Violation when a facility is in enforcement, as well as any Agreed Order to resolve the violation.

## 4.0. PARTICIPATION GUIDANCE

The [Citizen's Guide to IDEM](#) (July 2023), prepared by Natalie Rodriguez with MACS, provides information on public participation. Additional information on *how to be an effective participant* is needed. Information on when public participation is available, how to make effective comments, and how to ensure that citizen participation is received and considered in agency decision making.

### 4.1 *Recommendation*

1. Develop "How to be an Effective Participant" guidance to accompany IDEM's Citizen's Guide to ensure that citizens participate effectively and are their own best advocate. The guidance should provide information on how to make effective comments and when in the process participation is available.
  - a. At what stages can you participate - by program
  - b. How to write effective comments ( See [Tips on Writing Effective Public Comments](#) | Simas & Associates, Ltd. (simasgovlaw.com) as an example.)
  - c. How to use IDEM's Virtual File Cabinet (VFC)
  - d. Project Repositories - where project documents are stored locally
  - e. How to use "What's in My Neighborhood"
  - f. [Written-Commenting](#) (Environmental Law Institute, Dec 2013)
  - g. Make YouTube video on how to use the participation guide

## 5.0. SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

According to IDEM CFO Hilary Alderete, IDEM generates anywhere from \$1-3M annually in enforcement penalties depending on cases.

**Table 1 TOTAL PENALTIES RECEIVED FY24**

Special Fund	
OAQ	\$1,502,684.00
OLQ	\$683,158.90
OWQ	\$183,772.14
OLC (FED)	\$7,208,410.64
<b>Total</b>	<b>\$9,578,025.68</b>

Other Funds	
Asbestos	\$8,500.00
Title V	\$24,167.00
Waste Tire	\$42,282.00
UST	\$123,638.00
<b>Total</b>	<b>\$198,587.00</b>

SUMMARY	
State	\$2,568,202.04
Federal	\$7,208,410.64
<b>Total</b>	<b>\$9,776,612.68</b>

For IDEM regulatory programs, [Supplemental Environmental Projects \(SEPs\)](#) have been used since 1999. The penalties from enforcement cases, and upon recommendations from the RP, direct those funds back to the community affected to improve the environment beyond what is required by law. SEPs are proposed by the RP to IDEM at the time of settlement. IDEM must adhere to one of the following six principles for the proposed SEP project to qualify.

1. Equipment or technology modification
2. Process or procedure modification
3. Reformulation or redesign of products
4. Substitution of raw materials
5. Energy and natural resources conservation
6. Environmental Management Systems

#### IDEM SEP Program

1. [Supplemental Environmental Project NPD](#) (1999, Updated 2008) (ENF-003-R1)
2. [SEP Application](#)
3. [SEP IDEA Library](#) (Last Updated October 2013)
4. [SEPS webpage](#)

Once a SEP application is received as part of an enforcement action, the SEP is reviewed by IDEM’s SEP Committee which includes the following enforcement staff: OWQ- Aletha Lenahan, OAQ - David McIver, OLQ - Chris Halloran and OPS - Bob Lugar.

Upon request, the METS output sheets were provided and the last five years summarized. Five of eight regulatory programs have offset 54 SEPS (See Table 1).

*Table 2*  
**SEPS Summary Per Program**  
*2019-2023*

Programs	Number of Enforcement	Enf Cash Penalty	Number of SEPs	SEP Cost	% of cases	Recommended 10% minimum
Air	768	\$6,885,393	9	\$285,171	4%	\$885,393
Confined Feeding	49	\$277,987	2	\$33,010	11.8%	\$33,010
Drinking Water	102	\$63,330			0%	\$6,333
Hazardous Waste	162	\$2,052,451	29	\$490,944	23.91%	\$490,944
Solid Waste	89	\$856,769	9	\$104,100	12.15%	\$104,100
UST/LUST	88	\$1,091,757			0%	\$10,9175
Waste Water	131	\$1,738,159	2	\$694,000	39%	\$694,000
Wetlands Stormw	14	\$64,975	3	\$48,379	75%	\$48,379
<b>Grand Total</b>	<b>1,403</b>	<b>\$13,030,821</b>	<b>54</b>	<b>\$1,655,604</b>		<b>\$2,371,334</b>

Over the last five years, IDEM has collected just over \$13M in enforcement from 1,403 enforcement cases. A total of 54 SEPS have been implemented totaling \$1.14M. Approximately **9% of all enforcement dollars are routed into SEP projects from just over 4% of total enforcement cases.**

Please click here for an interactive EXCEL dashboard on the METS SEP/Enforcement data.  
[SEP Pivot Combined 12-10-24.xlsx](#)

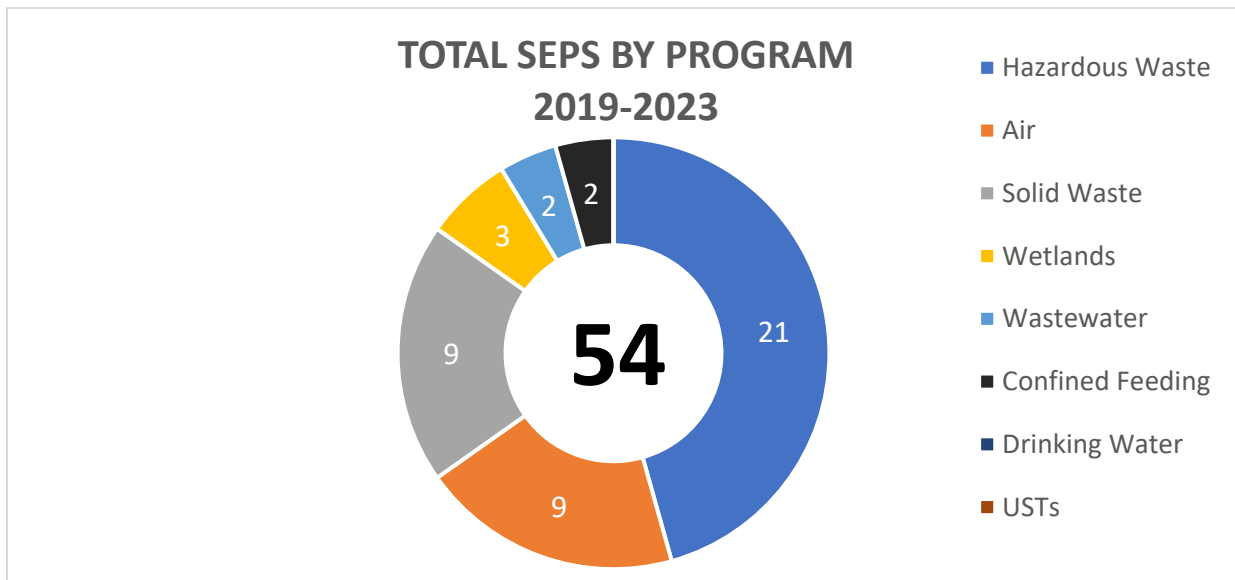


Figure 3

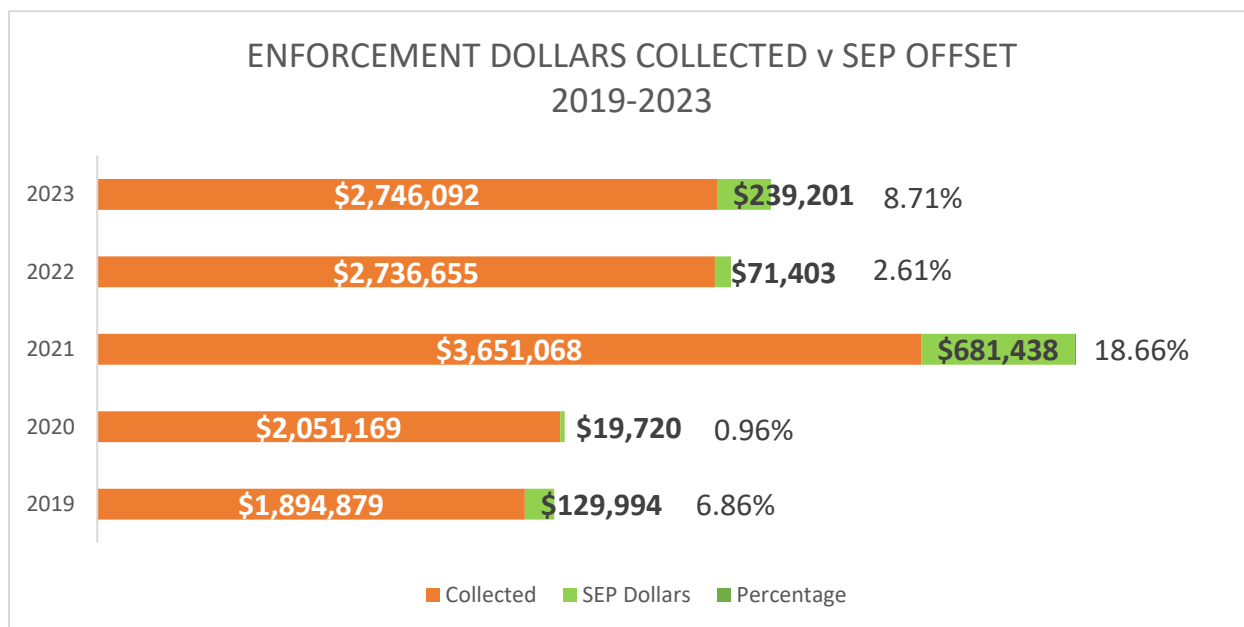


Figure 4

We met with several members of the SEP Committee and after discussion, several issues were apparent; 1) the AO can be held up while staff and the RP agree to the terms of the SEP 2) oversight of the SEP falls back to the program case manager 3) there is no centralized SEP data. No one knew what SEP projects had been approved, where they were, what were the costs, or their measurable improvement, 4) There is no one person “in charge” of SEPs, 5) SEPs are almost an afterthought, SEPs are mentioned in the outgoing enforcement letter or at the settlement at the discretion of the enforcement manager 6) the SEP process is inconsistent and unorganized, 7) there can be an offset. For example, the project proposed by the company may have a 10:1 offset. For every dollar of settlement, the project must be 10 times the amount, and **8) the SEP process is a missed opportunity for the agency to build positive relationships with EJ community members and increase IDEM’s ESI profile.**

#### SEPS – Indiana Finance Authority/Indiana Brownfields Program

- [SEP Fact Sheet](#)
- [SEP Guidelines](#)
- [State-Funded Project Payment and Disbursement Procedures](#)
- [Brownfield Disbursement Request Form](#)
- [SEP Map](#)
- [SEP Article for Smart Growth America](#)

Some settlement dollars are routed to the Indiana Finance Authority. At settlement, and at the discretion of the program enforcement case manager, the RP is given an option to have dollars directed to IFA for SEP projects. After discussion with the IFA Brownfields Program, it was apparent that their model to outsource SEPs, in cooperation with the affected municipality, was a more functional model.

BROWNFIELDS	IDEM
2007-24	2019-23
\$2,083,241 total SEP dollars	\$1,141,756 total SEP dollars
58 projects have been funded and completed in 22 communities	54 SEP projects completed

Affected community signs on to AO and determines what environmental services are needed	IDEM works with RP and decides what project will be completed
Eligible SEP activities include Phase I ESA, Phase II ESA, groundwater monitoring, remediation, waste removal, and demolition	Project must meet one of six IDEM determined criteria SEP IDEA Library IDEM SEP Committee
Contractors implement and manage projects	RP implements a project Program enforcement staff manage long term projects
Leftover funds generate interest and are held for communities	No centralized information on SEP projects

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*The range of SEP projects allowed by the Brownfields Program is much broader than IDEM's Idea Library and the six SEP requirements. This flexibility allows for a wider variety of essential environmental services.*

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## 5.1 Recommendations

1. Development of an ESI/SEP program provides a unique opportunity for the agency to advocate for disadvantaged communities by redirecting a percentage of violation dollars back into the affected communities. In addition, SEP projects ensure a more positive working relationship between IDEM and municipalities and EJ constituents.





2. Averaging the last five years of enforcement penalties and assuming a 10% redirect, the annual budget for the SEP program would be approximately \$250,000.
3. Increase civil penalties by at least 10% using the enforcement multiplier if violation occurred within areas defined as EJ with [EPA's EJScreen GIS Tool](#) or the [Climate and Economic Justice Screening Tool \(CEJST\)](#), and a more significant increase for respondents with a history of noncompliance.
  - a. Per CEJST, 37% of Indiana's census tracts are determined to be disadvantaged; therefore, the percentage of funds set aside to address concerns in those communities should be higher to be meaningful.
4. All programs should route at least 10% of their enforcement penalties to a new ESI/SEP account. The remainder of enforcement penalties should be for the Commissioners Fund. The ESI/SEP fund can then be used for environmental projects in affected EJ communities with IDEM contractors working directly with the affected communities.
  - a. Follow the IBF model. Post RFP to contract environmental consultants.
  - b. Have municipality in which the violation occurred sign onto the AO.
  - c. Eliminate the six IDEM SEP requirements and allow for a broader range of projects.
  - d. The municipality provides SEP proposals based on their needs.
  - e. IDEM's contracted consultants conduct all necessary work.
5. Consider other state SEP models
  - a. [California](#)
  - b. [Michigan](#)
6. Create a new position to manage the ESI/SEP fund, municipalities, contractors and follow up on completed projects.
7. Work with MACS to promote the Commissioner's accomplishment of putting enforcement dollars back into the affected communities as demonstrated by tangible projects.

## RECOMMENDATION SUMMARY

1. Pass legislation creating a true agency commitment to EJ that gives the agency authority to more effectively address environmental justice issues.
2. Better define the role and mission of ESI within IDEM and to external stakeholders.
  - a. Metrics on both internal and external outreach events
3. Attend section meetings in programs with ESI considerations and let them know what the ESI program does and when ESI should be involved.
4. External Profile
  - a. MACS creates an ESI logo
  - b. Develop ESI success stories and post on IDEM YouTube, Facebook, and LinkedIn
    - i. Martindale-Brightwood Service Line
5. Develop a "How to be an effective participant" guide
6. Resources in place necessary to implement the revised SEP policy and implementation of internal and external outreach efforts.
7. Supplemental Environmental Projects (SEPs)
  - a. Set at least 10% of all enforcement dollars collected per program for affected EJ communities.
  - b. Distribute funds either through the Brownfields Program or mirror the Brownfields SEP process at IDEM.
  - c. Develop GIS layer with SEP data similar to [Michigan's](#)
  - d. Better track SEPS, SEP outcomes, long term management, and ROI.
8. Create a new position to manage the SEP projects.
9. Publicize IDEM accomplishments with signage and social media.