

The logo for the Indiana Department of Environmental Management (IDEM), featuring the acronym "IDEM" in a bold, blue, sans-serif font.

We Protect Hoosiers and Our Environment

Water



# Indiana Water Environment Association

74<sup>th</sup> Annual Conference

November 16, 2010

Bruno Pigott

Assistant Commissioner

Office of Water Quality

IDEM



# Office of Water Quality Activities

- **Combined Sewer Overflows**
  - 22 Communities remain to have their LTCPs approved.
    - 16 are in an enforceable mechanism
    - 6 are in negotiations with EPA and IDEM.
  - 25 Communities have completed the implementation of CSO controls.
  - Some communities are entering discussions about the UAA process.



# Office of Water Quality Activities

- **NPDES Permit Backlog Reduction**
  - 2005: 263 Administratively Extended Permits
  - 2010: 35 Backlogged Permits
  - Oldest Includes:
    - US Steel Midwest. Public Notice through 12/27. Public hearing 12/14.
    - Arcelor Mittal Burns Harbor. Public Notice through 12/27. Public hearing 12/9.
    - Hoosier Merom. Public hearing last Wednesday.
    - Arcelor Mittal East. Drafting Wasteload Allocation.
    - Arcelor Mittal West. Drafting Wasteload Allocation.



# Office of Water Quality Activities

- **NPDES Permit Backlog Reduction (cont.)**
  - Of the 30 remaining administratively extended Permits:
    - 22 have been public noticed and are close to being issued.
    - 8 submitted their renewal application late.



# Office of Water Quality Activities

- **NPDES Permits Generally**
  - **Pesticide General Permit (PGP)**
    - On June 2, 2010, EPA released a draft NPDES permit for point source discharges from the application of pesticides to waters of the United States.
    - The PGP was developed in response to a decision by the Sixth Circuit Court of Appeals (*National Cotton Council, et al. v. EPA*). The court vacated EPA's 2006 rule that said NPDES permits were not required for applications of pesticides to U.S. waters.



# Office of Water Quality Activities

- **NPDES Permits Generally**
  - **Pesticide General Permit (PGP)**
    - EPA's PGP regulates discharges to waters of the U.S. from the application of (1) biological pesticides, and (2) chemical pesticides that leave a residue.
    - Pesticide use patterns are covered under the PGP:
      - mosquito and other flying insect pest control,
      - aquatic weed and algae control,
      - aquatic nuisance animal control, and
      - forest canopy pest control.



# Office of Water Quality Activities

- **NPDES Permits Generally**
  - **Pesticide General Permit (PGP)**
    - EPA Received over 750 Comments
    - EPA Plans to finalize the PGP by December, 2010
    - States are required to implement the PGP by April 9, 2011
  - **IDEM to issue an administrative general permit**
    - Drafting Emergency Rule to allow issuance of administrative PGP
    - Reviewing Draft PGP
    - Working to develop process that works administratively while meeting federal requirements.



# Office of Water Quality Activities

- **NPDES General Permits**
  - EPA concerns about General Permits by rule.
  - IDEM to convert permits to administratively issued General Permits.
    - Issued by Agency
    - Reissued every five years
    - Would not require rule to establish new general permit categories.
  - These changes would require:
    - Statutory changes
    - Rule changes.
  - IDEM's approach would be to phase in the administrative issuance of general permits one category at a time.



# Office of Water Quality Activities

- **NPDES Compliance**

- Continued focus on semi-public facilities.
- Workgroup dedicated to electronic submission of required data (DMRs).
- EPA focus on communities with SSO problems.
  - Medium sized communities (10-50 mgd facilities)
  - Under enforceable order to eliminate SSOs.



# Office of Water Quality Activities

- **Watershed Assessment and Planning**
  - Finalizing Integrated Report and Impaired Waters List
  - Completing Probabilistic sampling in two basins
  - Submitted Annual 319 Funding Report for EPA



# Office of Water Quality Activities

- **Blue Green Algae Initiative**
  - Increasing Public Awareness.
  - Concerns from citizens around Geist Reservoir in 2007.
  - Senator Gard urged agencies to investigate.
  - Partnership among ISDH, IDNR, IUPUI Center for Earth and the Environmental Science to collect and report information.



# Office of Water Quality Activities

- **Blue-Green Algae Initiative (Cont.)**
  - 2009 EQSC report recommended expanded sampling of lakes.
  - State Blue-Green Algae Initiative:
    - IDEM to build in-house capacity to analyze the algae.
    - IDEM to expand sampling in first year to five DNR managed lakes.
    - ISDH/IDEM developed a communication protocol featuring:
      - Updated website
      - ISDH hotline
      - ISDH press releases when necessary.



# Office of Water Quality Activities

- **Blue-Green Algae Initiative (Cont.)**
  - Long term goals:
    - Evaluate the costs and resources necessary for dramatically expanded sampling.
    - Use the information as an indicator to help provide information to the public and protect Hoosiers and the Environment.
    - Collect information that will help assess water quality.
    - Incorporation of cyanobacteria and microcystin into IDEM's Water Quality Monitoring Strategy.
    - Develop in-house technical capacity.
    - Strengthen state agency partnerships.



# Office of Water Quality Activities

- **Nutrient Rulemaking**

- Purpose
- Criteria for three categories of lakes:
  - Natural lakes
  - Reservoirs
  - Mine Pits
- Proposed criteria would be total Phosphorus concentration
- Rule first noticed Indiana Register on June 30, 2010
- Comment period ended July 30, 2010
- Preparation of technical document for USEPA explaining scientific basis for criteria development.
- Workgroup will be formed to discuss and formulate specific rule language and IDEM will conduct public education and outreach.



# Questions?

Bruno Pigott

Assistant Commissioner

Office of Water Quality

IDEM

317/233-2550

[bpigott@idem.in.gov](mailto:bpigott@idem.in.gov)