



## EPA Region 5 And IDEM In Full Collaboration Mode (Mostly)

November 7, 2018 | [Environmental News, Environmental](#)



**Anthony C.  
Sullivan**  
Partner

On Oct. 30, 2018, the U.S. Environmental Protection Agency (EPA) Region 5 officials met with officials from the Indiana Department of Environmental Management (IDEM) and members of the regulated community to discuss current priorities and issues within the Region 5/IDEM area. The gathering included almost all of the upper management of EPA Region 5 and of IDEM, including Region 5 Administrator, Cathy Stepp; Region 5 Acting Deputy Administrator, Jim Payne; IDEM Commissioner, Bruno Pigott; and IDEM Chief of Staff, Brian Rockensuess; among a host of others.

The theme of the meeting was collaboration – collaboration between the agencies, collaboration with industry, and collaboration in working together to achieve common goals. As Cathy Stepp noted, “we all want to move it to the goal line together.”

### Topical highlights include:

#### Priorities and Resources

The EPA referred to its strategic plan and emphasized cooperative federalism, rule of law, and respect of process, despite the fact that the agency is operating under a continuing resolution until Dec. 7, 2018. Agency staff is down approximately 14% from five years ago.

#### RELATED PRACTICES

Environmental  
Environmental Crimes and Investigations  
PFAS and Emerging Contaminants

#### RELATED TOPICS

Environmental Protection Agency (EPA)  
Superfund  
Affordable Clean Energy (ACE)  
Remediation  
Air Emissions  
Clean Water Act (CWA)

## **IDEM listed about twelve priorities:**

- Help the economy
- Provide great service
- Clean up very contaminated sites
- For big projects, hold sit-down meetings instead of having paper exchanges.
- Get permits issued on time and in real time
- Reduce time to issue inspection reports
- Seek to allow transfer of more information electronically.
- Improve Excess Liability Trust Fund (ELTF) to have claims paid properly and in timely manner
- Look to water regionalization for water discharge compliance issues
- Address Coal Combustion Residual (CCR) rules within the state
- Take over the Clean Water Act 404 Wetland program
- Move environmental permitting fees out of legislative function into Environmental Rules Board function

## **Air**

### **The EPA announced the following air goals:**

- Increase redesignations
- Reduce speed for permit reviews and issuances
- Increase SIP reviews
- Reduce SIP backlogs
- Get ozone and PM5 designations done by December 2020
- Address ethylene oxide review
- Improve communications with regulated community

While IDEM voiced common goals in the air area, it also expressed frustration with not always being on the same page as the EPA, particularly in enforcement actions, and with Lake County still being designated as non-attainment for the 2008 ozone standard when it was demonstrated to be in attainment for 2015 standard. IDEM Assistant Commissioner Keith Baugues also announced he will retire in the fall of 2019.

Regarding the [proposed Affordable Clean Energy \(ACE\) rule](#), the EPA indicated that they are reviewing comments and intend to address them as soon as they can.

## **Superfund**

Regarding Superfund, the EPA is focusing on the worst of the worst cases, mostly involving lead sites. It also noted that Superfund is now expanding beyond the cleanup of hazardous substance sites to aid in natural disasters such as hurricanes, fires, etc.

## **Land/State Cleanup**

IDEM is working on improving forms and increasing efficiencies. They intend to redo the Remediation Closure Guide and Remediation Program Guide by mid-2020.

On a separate note, IDEM has identified no known sites in Indiana where there are issues with [perfluorinated chemicals \(PFAS\)](#). They are mostly dealing with VOC, vapor intrusion, and lead issues.

## **Solid/Hazardous Waste**

Regarding the solid/hazardous waste areas, the EPA intends to address the sites identified in their 2020 initiative and also noted that they are looking for more funding to put towards Brownfields redevelopment.

IDEM is reviewing the definition of solid waste rule, and is working on reducing the backlog in hazardous waste permits.

## **Water**

The EPA indicated that the definition of [waters of the United States \(WOTUS\)](#) is still under review, with hundreds of thousands of comments received. Separately, the EPA is seeking funding for infrastructure projects and grants, but has no position on the conductivity guidance.

IDEM is continuing to move forward in converting from permits by rule to general permits in the stormwater area and is coordinating with the EPA to achieve that end.

## **(Lower) Great Lakes Restoration Initiative**

The EPA is working diligently, and with wide support, to clean up contaminated sediments and areas of concern (AOCs), while partnering with local businesses, in the [Great Lakes basin](#).

The meeting ended enthusiastically with Administrator Stepp proclaiming that “with all your help, we can only be successful.”