



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Applicability and Implementation of IC 13-18-26: Permit Applications for Community Public Water System (PWS) Treatment Plants.

Certification Requirements for PWS Permitting:

Amendments to Indiana Code 13-18-26, which went into effect on July 1, 2019, require certain Community PWS permit applicants to certify that they have prepared and completed a life cycle cost-benefit analysis, a capital asset management plan, and a cybersecurity plan. The certification must be submitted to IDEM along with the PWS permit application under IC 13-18-16.

The requirements of IC 13-18-26 are applicable to the following PWS permitting actions:

1. A permit for a new PWS treatment plant, defined by IC 13-11-2-264, for a community water system.
2. A permit for the modification or expansion of a community PWS treatment plant that increases the system design capacity of the plant.

A system does not increase system design capacity if it is applying for a permit or submitting a notice of intent for:

1. The installation of new water mains.
2. The replacement of an existing drinking water well.
3. Chemical treatment that does not increase system design capacity.
4. Any other treatment improvements, process changes or modifications that do not increase system design capacity.

The requirements of IC 13-18-26 do not apply to noncommunity PWSs, including transient and nontransient noncommunity PWS.

Due to the time and resources necessary to complete the plans and analyses, if an applicant cannot meet the certification requirements at the time of application submittal, IDEM will work with the applicant on a transitional basis up to October 1, 2020. After October 1, 2020 IDEM will not issue a permit to an applicant that is subject to IC 13-18-26 if the required certification is not included with the application packet, as required by IC 13-18-26-1(b).

Certification Example:

Attached to this applicability memo is an example certification that meets the requirements of IC 13-18-26. A permit applicant may use this form, or develop their own form that meets the statutory requirements. Please note that the certification must be notarized.

Five-Year Review:

The permittee must review the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan at least once every five years. If any of the plans or analyses are revised during the five-year review, the permittee must submit a new certification to IDEM.

Guidance on Developing Analyses and Plans:

IC 13-18-26 describes what must be included in the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan. Similar analyses and plans are required by the Indiana Finance Authority's State Revolving Fund (SRF) Loan Program under a different statute. IDEM is providing the following links to SRF guidance documents with information permit applicants may find helpful in meeting the requirements of IC 13-18-26. Please refer to IC 13-18-26, a copy of which is attached to this memo, for the specific requirements applicable to the certification submitted to IDEM.

Asset Management Plan:

Checklist: <https://www.in.gov/ifa/srf/files/AMP%20Checklist%20for%20Borrowers%20July%202018.pdf>

Guidance: <https://www.in.gov/ifa/srf/files/AMP%20Guidance%20Packet%20update%209-17-2019.pdf>

Cost Benefit Analysis (see Chapter 4):

<https://www.in.gov/ifa/srf/files/DWSRF%20PER%20Guidance%20July%202018.pdf>

Cyber Security Checklist (see Appendix C):

<https://www.in.gov/ifa/srf/files/AMP%20Guidance%20Packet%20update%209-17-2019.pdf>