



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Plgott
Commissioner

STATE ETHICS COMMISSION

IC 4-2-6-11

Post-employment waiver

MAY 13 2021

FILED

As the Appointing Authority of the Indiana Department of Environmental Management (IDEM), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to John Howard in his post-employment with the NiSource.

I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of the following provision of IC 4-2-6-11:

IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

In March of 2020, Mr. Howard, as part of his duties at IDEM, inspected the Hudson regulator station operated by NIPSCO. NIPSCO is a subsidiary of NiSource. He has had no other duties involving NIPSCO or NiSource.

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Mr. Howard is a Senior Environmental Manager at the Northern Regional Office of IDEM. He is a regulatory compliance inspector in the areas of solid and hazardous waste. His duties in the position include routinely conducting compliance inspections of public and private commercial industrial operations in accordance with 329 IAC and 40 CFR. He does not have any substantial decision-making authority over policies, rules, or contracts.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

NiSource is a regulated utility company serving territories across Indiana, Kentucky, Maryland, Ohio, Pennsylvania, and Virginia. The position is a corporate-wide position.

However, NiSource describes Mr. Howard's potential operating territory as northeast Indiana and northern Ohio. (The Hudson substation is not in that area.) The responsibilities of the position encompass a wide-range of environmental program areas including, air, water, natural resources, and waste management. The duties include enhancing and maintaining the NiSource environmental management system by analyzing and managing data to direct and cause continuous improvement related to environmental performance and enhance and maintain a process to track, monitor, communicate and minimize environmental related risk.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Because Mr. Howard's potential territory includes northeast Indiana, it is possible that he might have an occasional contact with IDEM personnel. However, the contact is not likely to result in any agency decision based on the work product of Mr. Howard.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Mr. Howard has been a solid and hazardous waste compliance inspector with IDEM for more than 20 years. He has acquired a strong knowledge of state and federal statutes regarding solid and hazardous waste compliance. He will be responsible for the continuous improvement of the company's environmental management system and will be tasked with minimizing environmental risk. As such, a waiver is beneficial to the state and consistent with the public interest to have someone in that position with the knowledge and experience to protect human health and the environment.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Howard has resigned his position with IDEM, effective May 24, 2021. If the waiver is not granted, Mr. Howard will be unable to initiate employment with NiSource and the economic hardship that would result to him from being unemployed would be severe.

C. Signatures

1. Appointing authority/state officer of agency

By signing below, I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

Bruno Pigott
Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management

5/4/21

DATE

2. Ethics Officer of agency


By signing below, I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Kathleen Mills
Kathleen Mills, Ethic Officer
Indiana Department of Environmental Management

05/04/2021

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	5-13-21
Katherine Noel, Chair, State Ethics Commission	Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.

