

Members

Sen. Beverly Gard, Chairperson  
Sen. James Buck  
Sen. Frank Mrvan  
Sen. Karen Tallian  
Rep. David Wolkins  
Rep. James Baird  
Rep. Ryan Dvorak  
Rep. Matt Pierce  
Doug Meyer  
Dave Wyeth  
Dwayne Burke  
John Hardwick  
Calvin Davidson  
Thomas Easterly  
Heather Hill



# ENVIRONMENTAL QUALITY SERVICE COUNCIL

Legislative Services Agency  
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Indianapolis, Indiana 46204-2789  
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LSA Staff:

Ruth Rivera, Attorney for the Council  
Jessica Harmon, Fiscal Analyst for the Council

Authority: IC 13-13-7

## MEETING MINUTES<sup>1</sup>

Meeting Date: October 25, 2011  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington St., 156-D  
Meeting City: Indianapolis, Indiana  
Meeting Number: 5

**Members Present:** Sen. Beverly Gard, Chairperson; Sen. James Buck; Sen. Frank Mrvan; Sen. Karen Tallian; Rep. David Wolkins; Rep. James Baird; Rep. Matt Pierce; Dwayne Burke; John Hardwick; Calvin Davidson; Heather Hill.

**Members Absent:** Rep. Ryan Dvorak; Thomas Easterly; Doug Meyer; Dave Wyeth.

### Call to Order

Senator Beverly Gard, Chair, called the meeting to order at 1:06 p.m. The Chair observed that the presence of a majority of the members appointed to the EQSC established the quorum required for official action, and thanked members for attending. Senator Gard also pointed out that documents handed out included a letter from the Boone County Solid Waste Management District related to matters discussed during the October 7, 2011 meeting. (Exhibit 1).

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

## **Proposed Recommendations**

The EQSC considered recommendations concerning the: (1) Indiana Department of Environmental Management (IDEM) cost of services; (2) operations of mint distillation; and (3) solid waste management districts (SWMD). Based on Exhibit 2, members discussed each recommendation as follows:

### **1. IDEM Cost of Services**

Senator Gard informed members that IDEM submitted this recommendation. The discussion raised the following concerns: (1) Funds designated for a purpose should not be used for a different cause; and (2) The language was too broad. The Chair withdrew the recommendation from further action, pending further discussions with legislative fiscal leaders.

No vote was taken on this recommendation.

### **2. Mint Distillation Operations**

Brad Baughn, Business and Legislative Liaison, IDEM, reported that: (1) the department obtained mint distillation operations data from 3 farms; and (2) results from calculations using the US Environmental Protection Agency's (EPA) country grain elevator guidance showed that air emissions from mint distillation operations do not meet the thresholds that require a permit. Responding to questions, Mr. Baughn stated that EPA's grain elevator guidance utilizes actual time of operation, and that IDEM would still have to submit the findings and conclusions to the EPA for exemption approval.

Members discussed an objection to the "minimize regulatory and permitting requirements" language on the basis that it could be interpreted as reducing the importance of actually meeting regulatory requirements.

The EQSC voted 10-1 in favor of approving the recommendation without amendments.

### **3. Solid Waste Management Districts (SWMD)**

A. Members discussed the responsibility for developing a report format and where to file the report. Members present agreed that IDEM should be responsible for the report format, and the report should be filed with IDEM and the Legislative Council.

The EQSC approved by consensus the recommendation to read as follows:

As an instrument of state government, continuous evaluation of SWMD is beneficial to their management. Annual reporting by SWMD that includes detailed financial and programmatic information should be required.

Reports should be filed with IDEM and the Legislative Council in a form provided by IDEM. Also, the legislature should re-evaluate the continued existence of SWMD every 10 years.

B. The committee considered: (1) the language related to "private sector" and "imposing fees"; (2) zoning issues; (3) fees and funding of SWMD; (4) the purpose of permitting at the local level; and (5) competition between private businesses and SWMD.

Responding to questions, Senator Gard stated that this recommendation was intended to address the matter of SWMD requiring permits for activities for which state and federal agencies do not impose permitting requirements. She stated that the recommendation does not concern a county's authority over zoning or waste management matters.

Robert Kuzman, Public Affairs Attorney, Ice Miller LLP, on behalf of the Association of Indiana Solid Waste Management Districts (AISWMD), offered further clarification on the impact of the recommendation on other permits and fees.

The EQSC voted 10-1 in favor of approving the following recommendation as amended:

IC 13-21-3 should be amended to reflect the clear instruction of the General Assembly to prohibit solid waste management districts from requiring permits on waste management activities, including those activities not subject to federal or state regulation.

C. Senator Gard explained that this recommendation was intended to address the lack of uniform standards in SWMD's educational programs in an effort to provide consistency and improve the quality of education. She also advocated that IDEM establish uniform guidelines and review the curriculum.

Robert Kuzman agreed to work with Senator Gard and IDEM on the development of uniform standards.

The EQSC voted 11-0 in favor of approving the recommendation without amendments.

D. Members' discussion included remarks on: (1) the disparate impact of fees imposed by SWMD; (2) possible consequences of including the word "eliminate"; (3) incorporating language addressing the need to further study the fee issue in a timely manner; and (4) ensuring more oversight over SWMD.

The EQSC voted 11-0 in favor of approving the amended recommendation as follows:

The issue of funding and expenditures of SWMD is complex. Numerous sources of funding are available to SWMD. These sources include property tax, COIT, CAGIT and LOIT among many others. The disparity among the sources from which to draw leads to inequity in a now regionalized waste disposal system. Surcharges and fees imposed by SWMD inappropriately impact and influence the marketplace and should be reviewed in additional studies conducted in a timely manner. The scope of funding for SWMD should be streamlined in an effort to eliminate disparity among districts.

E. Senator Gard reported that several county representatives have questioned the statutory requirement to participate in a SWMD. The Chair stated that the recommendation did not intend to preclude counties from developing local programs similar to those of SWMD. Members debated issues on: (1) whether counties opting out will implement alternative plans to address waste management activities; (2) the need for local requirements covered by state regulations; (3) the need to establish minimum standards for counties opting out; and (4) whether concerns for local government budget considerations will be the primary factor in deciding whether to opt out.

The EQSC voted 11-0 in favor of approving the recommendation without amendments.

F. The EQSC discussed: (1) IDEM's involvement in approving landfills; (2) control of local communities; and (3) Lake County's experience issuing a certificate of need for a landfill.

Members voted 6-5 to exclude the recommendation, which failed to be adopted by a majority of members appointed to the EQSC.

**Adoption of Recommendations and Final Report** With the required quorum to take official action established, the EQSC formally adopted the final report draft (Exhibit 3) and recommendations as passed during the meeting by a vote of 10-1.

**Adjournment** Senator Gard adjourned the meeting at 2:33 p.m.



EQSC  
10/25/2011  
Exhibit 1

**BOONE COUNTY**  
*Solid Waste Management District*

416 West Camp Street • P.O. Box 808 • Lebanon, Indiana 46052  
765-483-0687 • 765-483-0726 (Fax)

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October 20, 2011

VIA HAND DELIVERY

Environmental Quality Service Council  
Senator Beverly Gard, Chairperson  
c/o Indiana Legislative Services Agency  
Attn: Ruth Rivera, Attorney for the Council  
200 W. Washington Street, Suite 301  
Indianapolis, IN 46204

RE: Boone County Solid Waste Management District  
Supplement to Testimony of Jennifer Lawrence, Executive Director  
at EQSC Meeting of October 7, 2011

Dear Chairperson Gard and Members of the Council:

We, the Board of Directors of the Boone County Solid Waste Management District (the "District" or "BCSWMD"), respectfully request that the information provided in this letter be accepted as a supplement to that provided by Jennifer Lawrence, Executive Director of the District, during the Council's previous meeting of October 7, 2011. Ms. Lawrence's testimony was provided at the Chair's invitation following testimony offered by Ms. Canda Worman Smith, of Worman Enterprises, Inc.

We regret that Ms. Lawrence did not have advance notice that Ms. Worman Smith would be testifying on the District's programs, including the clean fill permitting program specifically. With advance notice, Ms. Lawrence would have been able to be prepared to advise the Council more fully on the topic, perhaps making this communication unnecessary.

The following background information may be helpful to the Council in gaining an understanding of the District's philosophy and programs. The Boone County Solid Waste Management District was formed in 1991 pursuant to the mandate of HEA 1240 (P.L. 10-1990), now codified as IC 13-21. The guiding philosophy of the District from its onset has been to act primarily as a facilitator for the private sector in achieving the goals of HEA 1240 for source reduction through an emphasis on recycling and other alternatives to solid waste disposal. Consequently, unlike some solid waste management districts, the BCSWMD has eschewed public ownership of solid waste facilities. A second guiding principle of BCSWMD has been to avoid resorting to property taxation as a funding mechanism for its programs.

We are unabashedly proud of the District's programs and accomplishments over the years. Among these programs are: two household hazardous waste collection days each year; an interlocal agreement with the City of Indianapolis for disposition of household hazardous waste by Boone County residents with vouchers from the District; various public educational efforts promoting waste reduction and recycling through the District's website, flyers for local schools, etc.; a community grant program to stimulate innovative solid waste reduction actions; a permit program focusing on clean fill processing and disposal; certain programs cooperatively conducted as joint efforts of the District and the Boone County Health Department, including a solid waste dumpster program whereby the District provides a dumpster at limited number of sites annually, such as condemned houses, recommended by the Health Department and a nationally acclaimed "sharps" program which provides inexpensive containers to members of the public, such as diabetics, for safe storage and disposal of used needles from injectable medications; and a cooperative program with the Boone County Sheriff's Department for the collection of expired or unwanted medications. The District operates all programs on a total annual budget in the range of \$300,000.

It is our understanding that at the October 7, 2011 meeting of the Council, Ms. Worman Smith offered testimony generally critical of the District's program for permitting clean fill processing and final disposal facilities. Before addressing Ms. Worman Smith's complaints, some general background for this District program may be useful. A program for the permitting of commercial clean fill processing and disposal facilities has been a part of the District's strategic approach from its inception and is discussed briefly in the District's 1994 Solid Waste Management Plan – a plan that received IDEM's approval. Materials commonly referred to as "clean fill materials" are a subset of solid waste. The District's authority under IC 13-21 to conduct such a permitting program was upheld by the Indiana Supreme Court in its decision, *Worman Enterprises, Inc. v. The Boone County Solid Waste Management District*, 805 N.E.2d 369 (Ind. 2004).

#### Brief History of District's Involvement with Worman Enterprises, Inc.

- In 1998, the District adopted rules to provide for modest regulation of clean fill processing facilities analogously to IDEM's rules for regulation of solid waste processing facilities. Clean fill disposal facilities were also addressed by these rules.
- After the District contacted Worman Enterprises concerning these permit rules and the need to submit an application, Worman Enterprises refused, which led to litigation to enforce the rules.
- The litigation was resolved by a settlement agreement between the District and Worman Enterprises in 1998 whereby, among other terms, Worman Enterprises agreed to accept the District's authority subject to the establishment of mutually acceptable permit terms.
- After the District was advised by Worman Enterprise's counsel that permit terms proposed by the District were acceptable, Worman Enterprises ultimately objected to the terms of the permit as issued. Worman Enterprises subsequently filed litigation in 2000 in the Boone Circuit Court challenging the authority of the District to require such permits.
- The litigation initiated by Worman Enterprises culminated in the 2004 decision of the Indiana Supreme Court referenced above. The Court held unequivocally that the District was empowered to require permits of the type required of Worman Enterprises.

It is our understanding that Ms. Worman Smith complained to the Council that currently proposed revisions to the District's permit rules would be inconsistent with the 1998 settlement agreement referenced above. We have previously advised Worman Enterprises that the settlement agreement to which Ms. Worman Smith refers is no longer in effect, having been repudiated by Worman Enterprises through its initiation of the litigation against the District in 2000.

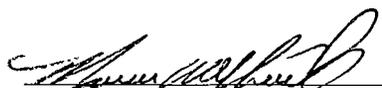
To the point raised by Ms. Worman Smith that the BCSWMD may be the only solid waste management district with a permit program for clean fill facilities and, thus, perhaps should be considered improper, we reply as follows. We concur that to our knowledge the District is the only district in the state with such a permit program. We strongly disagree, however, that the uniqueness of this program somehow makes it improper or of a questionable nature. First, the Supreme Court has made it clear that the District is not acting improperly in implementing such a program since it has clear authority to do so. Second, we respectfully point out that the very structure of the HEA 1240 legislation that gave birth to Indiana's solid waste management districts engenders programmatic variation among districts. This legislation does not envision "a one size fits all" approach for individual districts. Rather, a quite flexible and broad array of approaches are made available to each district in designing and implementing a district solid waste management policy and plan consistent with the overall goals of the statute. Thus, it is not at all unexpected that differences in approach to solid waste management policy would emerge in the plans developed by various districts. Moreover, such flexibility can rightfully be viewed as a crucible of innovation.

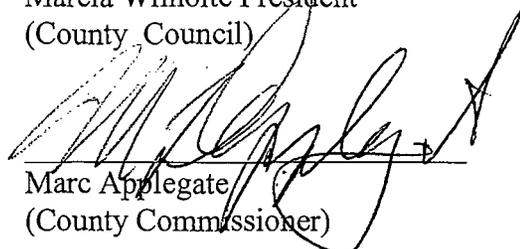
Further, there is a rational relationship between at least a minor focus on clean fill management activities and the broader role and purpose of solid waste management districts. One of the primary objectives of the HEA 1240 legislation was to promote alternatives to solid waste disposal in state-permitted solid waste disposal facilities due to substantial concerns prevalent at the time of the legislation's enactment that disposal capacity in Indiana's landfills was a limited and threatened commodity. Certainly, one tactic to consider in preserving landfill capacity for solid waste that is difficult to divert from disposal is to minimize landfill disposal of materials such as clean fill which can be managed apart from state-permitted disposal facilities.

We further understand that Ms. Worman Smith may have complained that the District's proposed revision to permit fees includes arbitrary differences for various types of facilities. The District and Worman Enterprises have differing views on this issue and the District certainly disagrees that any proposed differences in fees are arbitrary. Since these issues are still pending a review and decision by the District Board following a recent public hearing, we do not consider these issues appropriate to air before the Council. To put the matter in perspective, though, we would observe that the fee differences in question are in the range of a few hundred dollars.

We trust that the information provided with this letter will be helpful to the Council in gaining a more complete understanding and perspective on the issues raised in Ms. Worman Smith's testimony on October 7. We would be happy to provide further information if requested by the Council. Thank you for the opportunity to provide this input from the District.

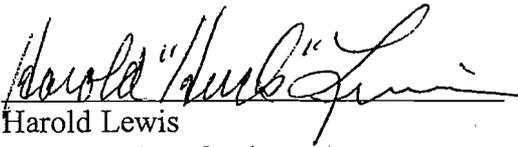
Sincerely,

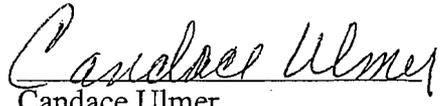
  
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Marcia Wilhoite President  
(County Council)

  
\_\_\_\_\_  
Marc Applegate  
(County Commissioner)

  
\_\_\_\_\_  
Keith Campbell, Vice President  
(Lebanon City Council)

  
\_\_\_\_\_  
Charles Eaton  
(County Commissioner)

  
Harold Lewis  
(Mayor, City of Lebanon)

  
Candace Ulmer  
(Zionsville Town Council)

  
Jeff Wolfe  
(County Commissioner)

Proposed Recommendations for the EQSC  
October 25, 2011

1) Cost of Services

a. A recommendation for legislation to: give IDEM clear legislative authority to fund statutorily required activities and programs through funding mechanisms not originally intended to fund those activities or programs, including the use of dedicated funds. ( IDEM recommendation)

2) Mint Distilling Operations

a. Recommendation: EQSC urges IDEM to continue working with mint farmers to ensure air quality compliance by using appropriate U.S. EPA guidance, including the country grain elevator EPA guidance as appropriate to calculate the potential to emit in a manner to minimize regulatory and permitting requirements while providing all legally required environmental authorizations for mint farming activities.

3) SWMDs Solid Waste Management Districts (SWMD's)

Background: Solid Waste Management Districts were established in response to the information existing at that time indicating landfill disposal capacity was less than seven (7) years and that Indiana was being inundated by municipal solid waste from the eastern United States. Currently, Indiana's landfill capacity is estimated to be forty-two (42) years. Landfill owners have developed disposal capacity to satisfy the disposal market but are also devoting significant resources toward identifying and implementing alternative uses for waste streams.

With the advent of new recycling diversion & waste recovery technology, landfill capacity should continue to remain stable for the foreseeable future. The core purpose of SWMD's has been fulfilled in less than twenty (20) years and it is appropriate to re-examine the mission of SWMD's and the purpose they fulfill, if any, going forward.

The EQSC recommends the following:

A. As an instrument of state government, continuous evaluation of SWMD's is beneficial to their management. Annual reporting by SWMD's should be required that includes detailed financial and programmatic information. Also, the legislature should re-evaluate the continued existence of SWMD's every 10 years.

B. Regulatory authority entrusted to SWMD's should not work to replace private sector efforts. IC 13-21-3 should be amended to reflect the clear instruction of the General Assembly to prohibit solid waste management districts from requiring permits or imposing fees on waste management activities, including those activities not subject to federal or state regulation.

C. A primary function of SWD's should be to educate the public on matters of solid waste management and disposal, including recycling opportunities. IC 13-21-3 should be amended to require the function of education by SWMD's and to provide a minimum, uniform level of education to be provided.

D. The issue of funding and expenditures of SWD's is complex. Numerous sources of funding are available to SWD's. These sources include; property tax, COIT, CAGIT and LOIT among many others. The disparity among the sources from which to draw leads to inequity in a now regionalized waste disposal system. Surcharges and fees imposed by SWD's inappropriately impact and influence the marketplace and should be eliminated. The scope of funding for SWMD's should be streamlined in an effort to eliminate disparity among districts. Further, the legislature should enhance statutory control in IC 13-21-13 and 14 for the use of funds generated to ensure conformance with the legislative directives of SWMD's.

E. Indiana counties may determine that their participation in a SWMD is not in the best interest of a county. IC 13-21-3 should be amended to reflect the option of a county to decline to form or participate with a SWMD.

F. In as much as the private sector undertakes the financial risk associated with placement and expansion of waste facilities, the requirement of applicants to demonstrate need is superfluous. Numerous safeguards are in place to protect the health and welfare of Hoosiers with respect to the placement of facilities beyond the determination of need. Indiana Code 13-20-1-2 should be repealed along with the corresponding provisions of 329 IAC 10-11-7.

## **I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES**

The Environmental Quality Council (EQSC) is established by IC 13-13-7.

The Legislative Council charged the EQSC with studying the following topics in 2011:

- A. Topics related to the supply and quality of water in the Great Lakes as set forth in IC 13-13-7-9 (6) (SEA 157);
- B. Federal funds for water protection, infrastructure conditions and regulatory matters affecting shipping and other relevant matters (SEA 157);
- C. Each program administered by IDEM for which the annual revenue generated by the program exceeds IDEM's annual cost to administer the program (SEA 433); and
- D. The actual and potential air emissions created by the distillation of mint and whether the distillation of mint should be considered a farming operation (as defined in 326 IAC 1-2-28) for the purpose of requiring a permit under IC 13-17. EQSC shall prepare a report on these topics and advise IDEM on the feasibility of establishing permit requirements for mint distillation operations under IC 13-17 (HEA 1451).

## **II. INTRODUCTION AND REASONS FOR STUDY**

The EQSC also reviewed the current suitability of IC 13-21, Indiana's Solid Waste Management Districts statute. All activities of the EQSC were conducted to discharge the EQSC's responsibilities under IC 13-13-7-9.

## **III. SUMMARY OF WORK PROGRAM**

The EQSC held five meetings as follows:

State House, Indianapolis, Indiana:

- A. August 04, 2011- IDEM Annual Report
- B. August 30, 2011- Mint Distillation Issues and Air Issues
- C. October 07, 2011- Solid Waste Management Districts
- D. October 25, 2011- Recommendations and Adoption of Final Report

Portage, Indiana: September 29, 2011- Great Lakes Issues

Minutes and exhibits provide detailed information of each meeting, and are accessed from the General Assembly's website at <http://www.in.gov/legislative/>.

## **IV. SUMMARY OF TESTIMONY**

### **August 4, 2011 (IDEM Annual Report)**

Thomas Easterly, Commissioner, Indiana Department of Environmental Management (IDEM), addressed the following during IDEM's Annual Report presentation: (1) state of the environment; (2) enforceable operating agreement program; (3) pollution prevention; (4) household hazardous waste program; (5) hazardous substance response trust fund; (6) administratively extended NPDES permits; (7) CFO/CAFO activities; (8) waste tire management grant program; (9) recycling market development program; and (10) mercury switches in end of

life vehicles activities. Mr. Easterly also presented information regarding IDEM's program expenditures and related revenues.

### **August 30, 2011 (Mint Distillation; Other Air Issues)**

Tom Easterly made a presentation that explained: (1) the background of IDEM's enforcement actions concerning mint distillation operations; (2) recent legislation (HB 1451) on the issue of whether mint distilling operations should be considered a "farm operation"; (3) environmental sampling and testing conducted by IDEM; (4) options, including possibilities for air emission exemptions; and (5) IDEM recommendations.

Dan Gumz, Randy Mathys, Todd Lawrence, and Larry Wappell, Mint Farm Owners, testified to the issue of why the production of mint oil should be considered "farm operations." The mint farmers' remarks: (1) provided a historical context to the production of mint oil; (2) described the farming process of mint plants and the distillation of oil; and (3) explained the reasons for considering the harvesting of mint oil an agricultural enterprise and not an industrial process.

Bernie Paul, B. Paul Consulting, LLC, reported on the US Environmental Protection Agency (EPA) air quality initiatives and their potential economic impact on Indiana due to coal being the major source of energy and older plants not being equipped with required controls.

Jennifer Curran, Executive Director Transmission Strategy, Midwest Independent Systems Operator (MISO), presented an impact analysis study of operational and economic possible outcomes posed by potential regulatory effects of the Clean Water Act, Coal Combustion Residuals, Cross State Air Pollution Rule, and Mercury and Air Toxic Standards.

### **September 29, 2011 (Great Lakes Issues)**

John Goss, Asian Carp Director, Council on Environmental Quality, reported on the impact of Asian carp on Indiana and the Great Lakes region, including a discussion on: (1) fish behavior scientific research; (2) implementation of control and elimination strategies; and (3) state and federal efforts countering the problem of invasive species.

Ron McAhrn, Deputy Director, Indiana Department of Natural Resources (DNR), provided an update on the Great Lakes-St. Lawrence River Basin Water Resources Compact. His presentation included: (1) a historical context of the Compact; (2) water resource compact diversion; (3) an overview of voluntary water conservation and efficiency programs; and (4) context data on the hydrology and water budget of the river basin.

Mike Molnar, Director, Lake Michigan Coastal Program, Program Specialist, Jenny Orsburn, Lake Michigan Coastal Program, and Colin Highlands, Coordinator, Lake Michigan Coastal Program Nonpoint/LAMP/GLRI, provided an overview of the DNR's Lake Michigan Coastal Program's structure and policies, reported on the support of local governments' projects and research through its Coastal Grant Program, and described the Nonpoint Source Management Program and Clean Marina Program efforts to reduce pollution impacts on Indiana's coastal watershed.

Tom Easterly explained IDEM's authority and responsibilities for ensuring that Great Lakes waters in Indiana are suitable for their intended uses. He described funding sources supporting water quality activities, such as dredging projects addressing historical pollution, water testing of beaches, and work related to restoring the chemical and biological integrity of the lake. The Commissioner also reported on issues related to the uses and consumption of Great Lakes water, and pollution sources and impacts. Mr. Easterly stated that IDEM's top Great Lakes concerns are: (1) new aquatic invasive species; (2) eutrophication and nutrient inputs; (3) untreated sewage discharges; (4) contaminated river and lake sediments; and (5) fluctuating lake levels.

Michael McCabe, Director, Council of State Governments Midwestern Office, discussed recent activities of the Great Lakes Legislative Caucus. He reported on Asian carp initiatives of states other than Indiana, and explained strategies to keep invasive species out of the Great Lakes, such as regulation of ballast water and the separation of the watersheds. Mr. McCabe also informed the EQSC about the ongoing renegotiation of the Great Lakes Quality Agreement between Canada and the US, and described current efforts to fully implement the Great Lakes Compact.

**October 7, 2011**

Bruce Palin, Assistant Commissioner, IDEM Office of Land Quality, presented a historical overview of past landfill capacity and environmental impact and solid waste management districts (SWMD). Mr. Palin described the financing structures of SWMD, and proposed policy considerations related to SWMD.

Mark Shublak, Public Affairs Attorney, Ice Miller, LLP, representing the Association of Indiana Solid Waste Management Districts, provided information on SWMD structures, income sources and budgets. Mr. Shublak described programs offered and supported by SWMD, including recycling, collection of household hazardous wastes, education, and partnerships with local communities and private enterprises.

Jim Murray, Director, Bartholomew County Solid Waste Management District, made remarks that included a historical account, a summary of accomplishments, and an overview of challenges faced by the Bartholomew County solid waste district.

Steve Johnson, Executive Director, Wabash County Solid Waste Management District, emphasized the importance of maintaining relationships between solid waste districts and the local community. Mr. Johnson also discussed the importance of educational programs to encourage recycling and his concerns about making sure that programs are funded appropriately.

Steve Christman, Executive Director, Northeast Indiana Solid Waste Management District, and Region 4 Council Director of the Solid Waste Association of North America (SWANA), described SWANA's roles, responsibilities, and benefits. Mr. Christman also discussed the role of local governments in municipal solid waste management.

Carey Hamilton, Executive Director, Indiana Recycling Coalition (IRC), reported on the benefits of recycling and the working relationship between IRC and the SWMD.

Lisa Disbrow, Director of Public Affairs, Waste Management of Indiana LLC, and Terri Guerin, Chairman of the Board of the Indiana Chapter of the National Solid Waste Management Association (NSWMA) and Government Affairs Representative (Solid Waste Operations), AZO Services, Inc., made remarks concerning: (1) their opinion that education should be the primary function of SWMD; (2) competitive issues between SWMD and private business; (3) the value of SWMD to the commercial and private sectors; and (4) funding of SWMD.

Vincent Griffin, Vice President, Environmental & Energy Policy, Indiana State Chamber of Commerce, advocated the importance of clear solid waste policies for Indiana businesses and industries. Mr. Griffin also recommended policy considerations to: (1) determine the needs and how to fulfill them given differing community demands, such as rural and urban; (2) devise more appropriate means to fund programs; (3) increase accountability; (4) define the roles of the state and local communities; and (5) observe the role of business and industry.

Patrick Bennett, Government Affairs Attorney, PKB Consulting, LLC on behalf of the Indiana Manufacturers Association, stated support for a review of Indiana's Solid Waste District statute, and a recommendation that property tax not be used as a funding source for the districts.

Canda Worman Smith, Owner and Operator, Worman Enterprises, Inc., provided an account of her experiences with the permitting requirements of the Boone County Solid Waste Management District.

Jennifer Lawrence, Executive Director, Boone County Solid Waste Management District, responded to questions posed by Council members pertaining to permit fees imposed by the Boone County SWMD and issues related to Worman Enterprises, Inc.

Danielle Coulter, Deputy Director of Government Affairs, Association of Indiana Counties (AIC), reported that the AIC has not taken an official position related to the review of solid waste districts' laws but the AIC will work with the Council and the legislature on possible policy changes.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

To be determined.

WITNESS LIST

Patrick Bennett  
Government Affairs Attorney, PKB Consulting, LLC  
Indiana Manufacturers Association (IMA)

Steve Christman  
Executive Director, Northeast Indiana Solid Waste Management District  
Region 4 Council Director, Solid Waste Association of North America

Danielle Coulter  
Deputy Director, Government Affairs, Association of Indiana Counties

Jennifer Curran  
Executive Director Transmission Strategy, Midwest Independent Systems Operator

Lisa Disbrow  
Director of Public Affairs, Waste Management of Indiana LLC

Thomas Easterly  
Commissioner, Indiana Department of Environmental Management

John Goss  
Asian Carp Director, Council on Environmental Quality

Vincent Griffin  
Vice President, Environmental & Energy Policy, Indiana State Chamber of Commerce

Dan Gumz  
Owner, Mint Farm

Carey Hamilton  
Executive Director, Indiana Recycling Coalition

Colin Highlands  
Coordinator, DNR Lake Michigan Coastal Program Nonpoint/LaMP/GLRI

Steve Johnson  
Executive Director, Wabash County Solid Waste Management District

Jennifer Lawrence  
Executive Director, Boone County Solid Waste Management District

Todd Lawrence  
Owner, Mint Farm

Randy Mathys  
Owner, Mint Farm

Ron McAhron  
Deputy Director, Indiana Department of Natural Resources

Michael McCabe  
Director, Council of State Governments Midwestern Office

Mike Molnar  
Director, DNR Lake Michigan Coastal Program

Jim Murray  
Director, Bartholomew County Solid Waste Management District

Jenny Orsburn  
Program Specialist, DNR Lake Michigan Coastal Program

Bruce Palin  
Assistant Commissioner, IDEM Office of Land Quality

Bernie Paul  
B. Paul Consulting, LLC

Mark Shublak

Public Affairs Attorney, Ice Miller, LLP

Association of Indiana Solid Waste Management Districts

Larry Wappell

Owner, Mint Farm

Canda Worman Smith

Owner and Operator, Worman Enterprises, Inc.

Draft