

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC AUDITORIUM, PORTAGE, IN

February 6, 2014

Members/Guests Present: Lee Botts, Kevin Breitzke, Mark Reshkin, Brenda Scott-Henry, Rafi Wilkinson, Leslie Dorworth, Deb Backhus, Andrew Pelloso, Jennifer Gadzala, Susan MiHalo, Dale Engquist, Courtney Blouzdis, Richard Morrisroe, Chandra Viswanathan, Dan Plath, Nicole Barker, Kay Nelson

NIPRC Staff: Kathy Luther, Joe Exl

Call to order and Pledge of Allegiance

Chairman Breitzke called the meeting to order with the Pledge of Allegiance and self-introductions.

Presentation:

a. IDEM Legislative Update – Kay Nelson, Northwest Indiana Forum

Kay Nelson presented in place of Brian Rockensuess, Business, Ag & Legislative Liaison for IDEM since he was unable to come to the meeting due to weather conditions. The Governor's environmental bills include Senate Bill 107, introduced by Senator Charbonneau and House Bill 1183, by Representative Wolkins.

Senate Bill 107 moves the responsibility for on-site commercial waste systems and residential septic system regulation from the Indiana State Department of Health (ISDH) to IDEM, which although currently responsible for septic system failures do not have direct authority over the septic systems themselves. IDEM will acquire ISDH employees that work with septic systems. ISDH rules that regulate septic systems will remain in effect until IDEM is able to adopt rules. This bill appears to be a first step in an attempt to coordinate water programs and having one agency responsible for oversight of both quality and quantity concerns.

House Bill 1183 establishes a goal of recycling 50% of municipal solid waste by 2019. Recyclers have estimated the current levels to be 30%. The bill requires every recycler to report to IDEM on recycling activities conducted by the recycler and also instructs a legislative summer study committee to investigate recycling policies that will enable the State to achieve the 50% goal.

IDEM's legislative agenda, bill topics IDEM requests the legislators carry through on their behalf, includes Senate Bills 217 and 359, both introduced by Senator Charbonneau and House Bill 1342, introduced by Representative Wolkins.

Senate Bill 217 involves compartmentalized underground storage tanks, clarifying that owners must pay a fee per compartment and changes the Excess Liability Trust Fund determination date from 1988 to 1991. The bill also addresses on-site field review of regulated drains, allowing IDEM and the Department of Natural Resources (DNR) the ability to approve regulated field drains from the office rather than visiting every site.

Senate Bill 359 aligns the confined feeding operations statute with the rule; eliminates the 2-year 4-year requirement for construction and replaces it with a 5-year requirement and requires farmers who have not constructed in the 5-year period to re-notify neighbors in a ½ mile radius of the project. The bill also addresses composting, giving IDEM the authority to approve or deny a composting registration and also allows IDEM the ability to revoke a registration for bad actors. It also allows the use of organic materials like manure and food scraps to compost vegetative matter.

House Bill 1342 allows IDEM the ability to collect fees, set by the Environmental Rules Board, for work done to modify environmental restrictive covenant modifications. Also addressed is the transfer of the collection of the hazardous waste disposal fee, the solid waste disposal fee, and the underground storage tank fee from the Department of Revenue to IDEM which will streamline the process and clear up any confusion the regulated community may have on who to contact on a bill. The Bill also involves the underground storage tank fee structure change which changes the current fee from being divided between the Petroleum Trust Fund and the Excess Liability Trust Fund to solely going to the Petroleum Trust Fund. In addition, the amount paid by owners of

underground storage tanks that contain regulated substances other than petroleum will now solely go to the Hazardous Substances Response Trust Fund.

Other environmental bill introduced include:

Senate Bill 212 – Urges the legislative council to assign a study during the 2014 legislative interim on the topics of statewide standards for sewage disposal systems, including septic tanks and related facilities and devices and also sewage disposal systems using alternative technologies that offer performance superior to that of traditional sewage disposal systems.

Senate Bill 271 – Urges the legislative council to assign to the appropriate committee testimony about recommendations made by the utility regulatory commission in its most recent annual report to the legislative council; the effect that the relative availability of water resources has upon state and regional economic development decisions; ways in which state government agencies could better coordinate their activities relating to the management of water resources and key elements that a state water plan should contain.

Senate Bill 376 – Urges the legislative council to assign the task of studying whether an IDEM employee, whose duties relate to certain solid waste matters, should be required to complete an educational program provided by the Solid Waste Association of North American (SWANA).

House Bill 1005 – Government Reduction: Streamlines the Financial Assurance Board.

House Bill 1141 – Methamphetamine Lab Disclosure: Requires IDEM to forward certificates of cleanup to the Indiana State Police.

House Bill 1143 – Environmental Rules and Standards: No More Stringent Than: Prohibits the Environmental Rules Board from adopting a rule or standard that is more stringent than the corresponding regulation or standard established under federal law.

House Bill 1170 – Regional District Trustees: Saint Mary-of-the-Woods College Issue: Provides that only an individual who is registered to vote at an address located in the regional water, sewage, or solid waste district may be appointed as a trustee of the district.

House Bill 1342 – Single Contact Point for Wetland Work Permits: Requires IDEM and DNR to develop and implement a program under which the agencies will jointly accept and process applications for Wetland Work Permits.

Further questions or comments may be directed to Brian at (317) 234-3396 or brockens@idem.IN.gov. Kay noted two other bills not addressed in Brian's PowerPoint presentation were House Bill 1241, which involves historical insurance policies being used for clean-ups and Senate Bill 80, introduced by Senator Long, which appears to allow the step of study requests having to go through legislation before being assigned to a Board be eliminated. Nicole Barker added the canned hunting bill failed in the legislature and Joe Exl responded that he had seen an article that there is a chance the bill can come back. Nicole encouraged everyone to call their elected officials. She also noted that Save the Dunes, Hoosier Environmental Council and a range of other groups are highly opposed to House Bill 1143. She also mentioned there are bills in the House and Senate for the Right to Farm Act that propose to amend the State constitution to protect farming. Hoosier Environmental are leading the effort opposing this from the environmental group perspectives. Their perspective is that farming is already protected as a profession under the Bill of Rights and why make an amendment to protect them further. It would restrict the ability of the public to hold ag practices accountable which is a concern for water quality.

Approval of December 5, 2013 EMPC Minutes

Upon motion by Richard Morrisroe and second by Chandra Viswanathan and no opposition, the minutes of the December 5, 2013 meeting were approved.

NIRPC Business:

Environmental Department 2014 Overview – Kathy Luther, NIRPC Director of Environmental Programs

Kathy reviewed NIRPC's environmental department projects and activities for 2014. Out of the 2014 NIRPC budget \$810,350k is from the environmental department. 41% of the \$810,350k is for the environmental staff and planning staff used for environmental projects. The balance is pass-through or contractual. 45% of the four person environmental staff is funded by grants and the other 55% is funded by transportation. Kathy went on to describe the different areas of projects:

Air quality public education and outreach: Has been the core of the department for a long time. A lot of time and dollars are spent supporting the Partners for Clean Air Program at IDEM and a significant portion is contracted out to South Shore Clean Cities to work with diesel fleet operators and to move the retrofit program along. The retrofit money is all pretty much committed at this point to either retrofitting trucks or buses and bus heaters are being added as well so buses do not have to idle so long just to warm up. All of which result in significant emission reduction. When Bill Brown, the traffic and air modeler at NIRPC for 30 years retired Kathy became the resident expert on air quality modeling and is taking a more active role in that capacity.

Water: The NWI Partnership for Clean Water, which is the MS4 education program, funds about 9% of the staff time and a lot of the funds go to advertising since many of the MS4s are developing the capacity to do many things on their own. The Deep River-Portage Burns Waterway Initiative grant is around \$445k with \$47k programmed for 2014. Some of those funds will be for staff time and some will be contracted out for modeling. Work is continuing with Sea Grant on the Lawn to Lakes Program which is about promoting tools for environmentally friendly landscaping to the public.

Brownfields: Kathy will be engaged with the Northwest Indiana Brownfield Coalition revolving loan fund and involves Gary, Hammond and East Chicago. NIRPC is receiving a tiny bit of an \$800k grant to participate in the coalition and keep it running as technical support for the RDA and allows Kathy to participate in some urban activities with the cities. More funding will continue to be sought.

Energy: NIRPC partnered with the National Association of Regional Councils and the Mid-American Regional Council (Kansas City) and received a Rooftop Solar Challenge II Grant. The physical infrastructure of solar is competitive with other forms of energy, but the soft costs of permitting; inspection; education for cities and utilities and making it fast is what makes the difference for builders and individuals completing projects. The grant requires a match which is being met with in-kind services of participation of partners including South Shore Clean Cities. Work will be done with a group of municipalities and builders, Green Build Alliance, the Electricians Union and NIPSCO to identify the challenges in northwest Indiana to advancing solar and then more experienced individuals will bring best management practices (BMPs) to the group. The group will select which BMP they want to pursue and training will follow for cities and counties. The goal is for each MPO in the program to get between 10 and 30 local jurisdictions to adopt some solar BMP.

Conservation: NIRPC is a member of a new Calumet Land Conservation Partnership, a bi-state coalition funded by Arcelor-Mittal and the Donnelley Foundation, to plan and strategize for conservation in the bi-state region. NIRPC Executive Director Ty Warner will be participating in the effort and some of the resources will be able to be used to participate in more conservation biodiversity activities that previously there was not funding for.

Coastal Planning: The Green Infrastructure project is wrapping up. A small Coastal grant was received to finish the project. The Marquette update will be finishing this year and another Coastal grant was received for the Lake Michigan Marina Shoreline Commission to fund the staff to take the beginning steps on the environmental study that is required by the legislature.

Kathy noted the environmental staff continues to support the public participation plan through the NIRPC website, meeting preparation and Joe's work on environmental mitigation and red flag analysis planning for transportation projects. The attempt is to get the environmental portion into transportation projects earlier in the process. Chairman Breitzke praised the Donnelley Foundation and what it has done for the region. *Brief discussion followed regarding the Rooftop Solar Challenge II Grant and a NIPSCO RFP that will be coming up regarding solar. South Shore Clean Cities is looking for two communities in each of Lake, Porter and LaPorte Counties who will work*

with them as the first group of green fleets. The six communities will be decided in March and work with them will begin in April.

Public Comment:

Susan MiHalo announced The Nature Conservancy is working with the Student Conservation Association on the Chi-Cal Rivers Fund Grant and will be hiring an Area Concern Restoration Action Team of four interns. Three of the internships will be six-month positions and the fourth will be a three-month position. The preference is to hire locally.

Announcements:

Nicole Barker announced every Indiana legislator voted for the budget which has money for the National Park to sustain itself without Government shutdown. It also restored money to the \$300m level for the Great Lakes Restoration Initiative and also to the State Revolving Fund. She also noted the Farm Bill passed and if the President signs the Bill it includes a new Regional Conservation Partnership Program which basically makes waste water utilities and farmers able to enter into agreements to reduce nutrient loads in more collaborative ways. The Bill also requires farmers who want crop insurance to participate in conservation programs. In addition, Bikes on the South Shore is something Save the Dunes has been working with NIRPC on for a while. There is now money to complete a study and NIRPC will administer the project. The RFP will be issued in April or May and a consultant chosen in June. At least two solutions for getting bikes on the trains have to be provided. Lastly, Save the Dunes welcomes Candace Smith as their new Water Program Director. She has a PhD, is currently a professor at the University of Illinois. She will be relocating to the area.

Upcoming meetings, workshops, trainings and events were announced.

The next EMPC meeting, Thursday, March 6, will feature a presentation from a gentleman from the State Climatologist Office about volunteer weather monitoring.

Meeting adjourned.